

13. Obviously, the locations make it more difficult for minority Texans to participate in the political process

14. There are some documents that can be used in lieu of presenting a photo id. These include a letter or a bill in the voter's name and addressed to him/her from a Federal or a state agency. These sorts of notices have been substantially reduced with the advent of direct deposit. Many times several families or parts of families will live in the same house or in smaller houses on the same lot. The bills would likely be addressed to only one of the persons living there. Few minority poor have pilot licenses or concealed handgun permits.

14. One of the arguments that has been advanced is that the Department of Justice will certainly approve (preclear) this photo id bill because the Courts have approved such a bill in a few other states and there was no Section 5 Voting Rights Objection to a similar law recently passed in Georgia.
15. To begin with, Texas had a poll tax which was invalidated by the Courts. The state then passed an annual registration bill that was stricken as unconstitutional with the observation by the Court that it was more restrictive than the poll tax. The legislature then passed a series of biannual registration bills that were also stricken by the Federal Courts as too restrictive. Texas then passed a permanent voter registration bill. However a few years later the state passed a purge and re-registration requirement that was invalidated by a Voting Rights Objection.
16. Another differential with Georgia is the sheer size of Texas. The minority population of just Harris County is as large as the minority population of Georgia. And most of that population is crowded into the area within Loop 610 where there is not a single place to obtain a Texas Identification card.
17. I suspect that if there were no convenient places for the minority population in Georgia to get the identification cards, there would have been no preclearance.

State	Total	African American	Hispanic	Latino
California	13,871,466	2,563,260	10,096,566	13,720,466
Florida	15,270,278	2,568,368	10,096,566	12,664,934
Illinois	12,292,178	2,568,368	10,096,566	12,664,934
Michigan	10,292,178	2,568,368	10,096,566	12,664,934
Minnesota	5,292,178	2,568,368	10,096,566	12,664,934
Mississippi	2,292,178	2,568,368	10,096,566	12,664,934
Montana	1,292,178	2,568,368	10,096,566	12,664,934
Nebraska	1,292,178	2,568,368	10,096,566	12,664,934
Nevada	2,292,178	2,568,368	10,096,566	12,664,934
New Jersey	8,292,178	2,568,368	10,096,566	12,664,934
New York	19,292,178	2,568,368	10,096,566	12,664,934
North Carolina	7,292,178	2,568,368	10,096,566	12,664,934
Ohio	11,292,178	2,568,368	10,096,566	12,664,934
Oklahoma	3,292,178	2,568,368	10,096,566	12,664,934
Oregon	3,292,178	2,568,368	10,096,566	12,664,934
Pennsylvania	12,292,178	2,568,368	10,096,566	12,664,934
Rhode Island	1,292,178	2,568,368	10,096,566	12,664,934
South Carolina	3,292,178	2,568,368	10,096,566	12,664,934
South Dakota	1,292,178	2,568,368	10,096,566	12,664,934
Tennessee	5,292,178	2,568,368	10,096,566	12,664,934
Texas	21,292,178	2,568,368	10,096,566	12,664,934
Utah	2,292,178	2,568,368	10,096,566	12,664,934
Vermont	1,292,178	2,568,368	10,096,566	12,664,934
Virginia	7,292,178	2,568,368	10,096,566	12,664,934
Washington	6,292,178	2,568,368	10,096,566	12,664,934
West Virginia	1,292,178	2,568,368	10,096,566	12,664,934
Wisconsin	5,292,178	2,568,368	10,096,566	12,664,934
Wyoming	1,292,178	2,568,368	10,096,566	12,664,934

**Harris County has  
virtually the same  
Minority Population as  
the Entire State of  
Georgia**

**Dallas County has a  
Larger Minority  
Population than South  
Carolina, Alabama,  
Mississippi and Alaska**

**States entirely subject to Section 5**

Compare 2006 Harris County Population with  
2000 Census for States

18. Other states where Courts have approved Voter ID statutes do not have a history of discrimination in registration. Nor the literally hundreds of findings of election discrimination on the basis of 42 U.S.C. Sec. 1983 and Section 2 of the Voting Rights Act.
19. The process involved in the Georgia preclearance of a similar bill is also troubling. There has been documentation of the fact that the professional staff recommended a Voting Rights Section 5 Objection to the Georgia Photo ID statute. This recommendation was simply ignored by the Attorney General.
20. Recall that there was also a recommendation by the professional staff that there be a Section 5 objection to the 2003 Texas Congressional redistricting (the DeLaymander) that was overridden by the political wing of the Justice Department. As you know the Federal Supreme Court invalidated the DeLaymander just last year under Section 2 of the Voting Rights Act.

21. Next consider the differential in support when the issue was considered in 2007. All of the minority elected officials in the Texas House with the exception of one voted against the Photo ID bill.
22. And we all recall the saga of Senator Gallegos returning on a gurney from his hospitalization related to his transplant. All of the minority members of the Texas Senate voted in concert to keep the bill passed by the House off the Senate floor and effectively killed it. This year the Texas Senate voted to exclude the Photo ID bills and those relating to redistricting from the redistricting. Recall what happened when the Senate tried the same trick in the 2003 Congressional redistricting.

## Photo ID Bill on Final House Passage

## Yes on Final Passage

56	Anderson, Charles
57	Aycock, Thomas Dan
58	Bales, Lee
138	Bobbitt, Douglas
59	Borman, Dennis
4	Brown, Barry
144	Brown, Tim
133	Calhoun, William
51	Camp, Thomas
9	Christmas, Wayne
1	Cook, Brian
124	Cook, Jr., Frank
145	Craig, Joe
142	Craig, John
50	Davis, John A.
52	Davis, Don
136	Davis, John E.
54	DeLoe, Dennis Wayne
10	Dyer, Mike
513	Easley, Bob
14	Easley, Bob
135	Easley, Don
56	Edwards, Mark
14	Evans, Bob
143	Evans, Tom
89	Evans, Charlie
100	Gosholtz, Tony
78	Hesterman, Pat
145	Hesterman, Pat
146	Hesterman, Pat
147	Hesterman, Pat
148	Hesterman, Pat
149	Hesterman, Pat
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## No on Final Passage

140	Bailey, Kevin
141	Barber, William
142	Bowers, Jon
134	Chiles, Bill
143	Cook, Robert
57	Dumas, Jim
27	Edmunds, Jr.
28	Eiland, Gary
58	Gibbs, David
1	Prime, Stephen
61	Griffin, Joe
117	Hochberg, Scott
1	Homer, Mark E.
11	Hovens, Charles
34	Howell, Charles F.
91	James, Patricia
9	Knox, Tracy C.
141	Lawrence, James
132	Lawrence, Jim
133	Lawrence, Jim
134	Lawrence, Jim
49	Neighbors, Eddie
75	Patrick, Joe
38	Powers, Paula
41	Shaw, Patrick M.
50	Shaw, Mark
107	Venable, Allen
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Only one minority house member- who is not elected from a minority dominated district- voted in favor of final passage

23. But there are also serious practical problems with the procedure of presenting additional documentation to vote while voting is going on.
24. For example, one of the biggest complaints in voting on election day is waiting in line to vote. Adding additional time to check photo id, alternative documents or allow someone to provisionally vote takes time.
25. Picture IDs are sometimes not a good likeness. The alternative documents might also be problematic. Is the Joe Garza on the utility statement the same as the Jose Luis Garza on the voter registration. Or is the Henry Gonzalez the same person as Enrique Gonzales.

26. Time waiting in line is the biggest discouragement. Think about the hourly worker who works an entire day– frequently 7:00 to 5:00 in Houston or Dallas. Polls close at 7:00. Any sort of a line would discourage staying and voting. This is particularly true where there are active poll watchers who raise questions requiring the election judges the make additional decisions.
27. The alternative documents could also be problematic. For example, if a mother and father have moved in with one of their children or visa versa. There would be no utility statements etc available. Since the advent of direct deposit, there are fewer letters sent to pensioners.
28. Anyone who has ever dealt with the elderly knows how difficult it is for them to find bills, envelopes, statements and the like.
29. Another thing that the Department of Justice looks at in considering a Section 5 objection is what the minority community thinks about the bill. What prominent Hispanic or African American leader is pushing this Photo ID Bill?

Earlier in this session, the Texas Senate singled out bills concerning Redistricting and Voter ID so that in those two instances, a simple majority of the Senate could vote to get bills on the floor. In doing do, the Senate put Voter ID into a classification along with redistricting. Recall, of course that the Texas Senate has seldom if ever voted to adopt a reapportionment plan that was not invalidated by the Justice Department or the State or Federal Courts. Recall again that it was just a few years that the Senate suspended that self same rule to adopt the outrageous bacon strip Congressional districts so severely criticized the the US Supreme Court and found to discriminate against Hispanic voters.

In fact if you read the legislative history of the application of the Voting Rights Act Cover Texas in 1975, 1981 and and again in 2005 you will see that racial and ethnic discrimination by the Texas Legislature in the redistricting process is the prime reason that Texas has been covered by the Federal Voting Rights Act preclearance process for the past 34 years.



Some have referred to the Photo ID bill as “a solution looking for a problem.” Others have said the prime rule of the Texas Legislature has always been “if it ain’t broke don’t fix it.”

With all of the potential downsides and no documented instances of coordinated multiple voting since 1948 voting such a radical change is difficult to justify. In fact, if the 1948 Lyndon Johnson and Coke Stevenson election happened today, any such fraud would be smoked out in an election contest with little difficulty.

Further restrictions on voting should be made of sterner stuff.

I urge that the Committee not vote the bill out.

This is not a Democrat Republican thing. It has a differential impact on the poor and minority of our state. Over the years I have opposed both parties when they have violated the rights of my clients. Just last month the Fifth Circuit remanded a case in which LULAC is complaining that the Texas Democratic party discriminates in the delegate selection process.

If you are able to pass this bill, I suggest that you have a record on why this does not make it more difficult for minority persons to participate in the political processes.

You will need to answer why you changed the rules. If the only answer is that you wanted to reduce the impact of the Hispanic and African American Senators, you will not preclear the photo ID statute. Yet, in all sincerity, what other explanation is there for your actions?

Is there something that can be done to minimize the impact on minority voters?

1. I would suggest that you examine the number of places where Texas Identification cards are available and insure that the number is increased and more equitable assigned. In this regard I suggest that there be a Drivers License substation for every 50,000 persons.
2. I would suggest that you go to election day registration with preparation of identity cards on the spot at the polling place if a voter does not have one.
3. I would expand the types of documents that are accepted as a reasonable alternative for a photo ID.

While none of these would completely solve the problem that will be created by Photo ID, at least it would indicate a recognition of the problem and a commitment to deal with it.





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**ACLU of Texas Opposes Voter Roadblock Bill SB362**  
**Provisional ballots are a broken remedy for voters in Texas**

Good morning/(afternoon) Chairman Duncan, Senators. My name is Terri Burke and I'm the Executive Director for ACLU-TX.

Today my comments will cover the topic of provisional ballot voting with respect to SB362. Provisional ballots are one of the ACLU's legislative priorities this session.

The Help America Vote Act of 2002 (HAVA) mandated new voter identification requirements for registration. Since the implementation of HAVA in all states, voters must be given the opportunity to cast a provisional ballot. Provisional ballots were envisioned as fail-safe voting protection for the voter to remedy faulty voter lists. No eligible voter erroneously purged from the voter rolls should lose their right to vote. All eligible citizens who are entitled to vote should have the right to vote and have their vote counted.

The determination of whether provisional ballots count in the state of Texas is left up to local election boards that review the ballots along with information from the local election officials who verify that the individual is a legitimate voter under state law.

What we've discovered researching provisional ballots in Texas is that we have extremely high rates of provisional ballot rejections. The average rate of rejection nation-wide is around 20%. (2) Texas has one of the highest rejection rates in the nation. In the 2004 presidential election, Texas counties rejected 78.6% of the provisional ballots cast. 36,193 Texans cast provisional ballots in 2004 and only 7,770 of them were counted. (1)

In 2006 the rejection rates for provisional ballots statewide decreased slightly to 70.1 %. 5,571 voters cast provisional ballots and only 1,668 counted. (2)

This past presidential election in 2008, 42,010 Texas voters cast provisional ballots. Only 9,444 of them ultimately counted. That's a staggering rejection rate of 77.6%, six years after the Help America Vote Act passed. (3)

High numbers of provisional ballot rejections may suggest serious errors in our elections procedures. Possible errors could occur in voter roll purges where voters are not made aware they were removed from the rolls, or improper instructions given to voters on provisional ballots or inadequately trained poll workers.

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Deterrents to in-person-voter-fraud are already in place and are working in Texas. Over five million dollars of HAVA federal funds were recently spent to create a statewide voter database in Texas: The "Texas Election Administration Management" (TEAM) database is a comprehensive voter list-matching process, one of the most restrictive in the country. Utilizing exact-match policies there is more risk of an eligible voter being rejected due to clerical error than there is of a fraudulent one even being allowed to register to vote.

SB362 will no doubt increase the number of provisional ballots that are cast at the polls if passed, and also increase the number of votes that are rejected due to new identification requirements. We are extremely concerned that this bill will cause more Texas voters their legitimate right to vote

32,566 Texas voters were rejected in 2008. That is a verifiable number of Texas voters who have been denied their right to have their vote count. That is a threat to our representative democracy. Texas ranked 45<sup>th</sup> in registered voter turnout for the 2008 presidential election(4) We can not continue placing undue burdens on eligible voters and keep a healthy democracy.

We ask that the Senate consider protecting the integrity of elections in Texas by protecting all eligible voters in Texas. A small change to our election code to allow provisional ballots cast outside a voter's home precinct to count if the still live in the same county would be one step for example. That is the second most common reason provisional ballots are not counted in our state. (3)

Thank you.

=====

Sources:

1) Texas Secretary of State

Provisional Ballots Voted/Counted November 2004

<http://www.sos.state.tx.us/elections/historical/prov2004.shtml>

2) <http://www.usatoday.com/news/provisional-ballots.pdf>

The 2006 Election Administration and Voting Survey - A Summary of Key Findings

Election Assistance Commission December 2007

Page 19

3) ACLU Public Information Act Request Texas Secretary of State

Nov 2008 (First most common reason is a voter not being on the rolls – this may be due to purging qualified voters through the TEAM system)

Bills that provide fixes to the wrong precinct, right county problem – HB 790.

4) [http://elections.gmu.edu/Turnout\\_2008G.html](http://elections.gmu.edu/Turnout_2008G.html)

2008 General Election Turnout Rates

George Mason University Analysis

Jan 2009

General Information

Provisional Ballots: Where to Watch in 2008

a briefing paper DEMOS October 2008

[http://www.demos.org/pubs/provisionalballot\\_brief.pdf](http://www.demos.org/pubs/provisionalballot_brief.pdf)

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JA\_004268

TX\_00003364

USA\_00019150

**Statement of Joseph G. Martin III**

**Texas Committee of the Full Senate**

**Regarding SB 362 Concerning Voter Identification Requirements**

**March 9, 2009**

I thank the esteemed members of this committee in allowing me to make this statement.

My name is Joseph Martin III. I am a resident of McKinney, Texas. I hold a Bachelor of Arts, *summa cum laude*, from Texas State University-San Marcos in Psychology with a minor in Philosophy. I am currently employed in the field of real estate, am a Notary Public of the State of Texas, and worked as an election clerk in the 2008 General Election. I have also worked in halfway houses and known many individuals without picture identification and without the resources to obtain the records (such as birth certificate) needed to obtain accepted identification. I think these facts give me some insight into any law that attempts to put additional requirements upon the right to vote in the State of Texas, particularly SB 362.

As a Notary Public I am familiar with the difficulties that can arise when examining identification cards or other documents to determine authenticity, and there are entire guides and books on the subject. Yet even then, notaries are not immune to being deceived, and that is why even to this day the highest standard of identification is to have someone known to you, or someone known to a credible witness.

But this bill expects election clerks, after a modicum of tax-payer supported training, to be placed in a role of declaring people's identification authentic or not. In my experience as an election clerk, I have seen the time consuming process and confusion that can arise just processing voters under the current Texas Election Code. If this bill becomes law, the responsibility of the clerks becomes more daunting, more time consuming, and ultimately more frustrating to the voter. The more frustrating and demanding we make exercising the right of every eligible citizen to cast their ballot, the more of the disadvantaged, the marginalized, and the cynical will we discourage from the polls. And this is not merely conjecture, numerous bipartisan studies, from the Brennan Center for Justice to the Federal Election Assistance Commission have confirmed that this law WILL turn away legitimate voters.

And this would be done even though there is any evidence that this bill would deter voter fraud in any meaningful way, and in fact opens the door to possible future systematic abuse. Numerous studies, both in our own state and others have found that voter impersonation is the rarest form of fraud, and the largest cause of fraudulent ballots are fraudulent absentee ballots, or irregularities in the registration process. From 2001-2006 the Justice Department only prosecuted 86 cases of voter fraud nationwide.

Worse than merely being a waste of taxpayer funds that will produce no results, this bill introduces the ability of election officials to introduce another possible form of fraud, though not new: willfully turning

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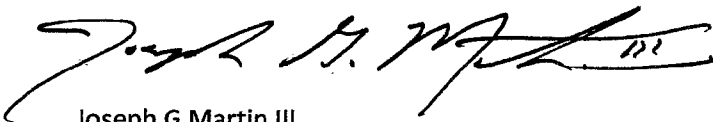
away or relegating to the status of provisional balloting a voter with legitimate identification as having "questionable" identification in order to satisfy an ideological, social, or political agenda.

Finally, all of the money and effort that goes into this bill will likely prove for nothing. I would anticipate numerous court challenges to the legislation, and doubt this bill would survive a Constitutional challenge in the United States Supreme Court. The bill has attempted to remove the claim of a de facto poll tax by removing the Department of Public Safety's charge for an id card in Section 12 (d). Yet the author of the bill failed to check the identity requirements for a Texas ID card, which might require an individual to purchase their birth certificate from the Texas Department of Health's Bureau of Vital Statistics, or the state they were born in. In Texas the cost for a certified copy of a birth certificate is \$22. It is still the poll tax, just once removed from a direct tax. Regardless of the cost, the additional effort the bill enacts upon individuals to exercise a right protected by law.

As a secondary matter, has anyone considered the financial implications to Texas, if in order to make this law Constitutional, all identification cards and birth certificates had to be issued free of charge? The National Governors' Conference has estimated an \$11 billion cost nationwide to provide free identification to all citizens. Can Texas, The Department of Public Safety, and The Department of Health, afford both the loss of revenue and cost?

Rather than offer these token measures that will do nothing to deter the real sources of voting fraud, more should be done to enforce current election law and investigate and prosecute those who attempt to manipulate and defraud the Democratic process. This bill is not the answer.

Please join me in denying support to this legislation.



Joseph G Martin III

McKinney, Texas

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### SB 362 Public Testimony

I moved to Houston in 1996 and although I registered to vote as soon as I moved here, it was 6 years before I received my voter's registration ID card. Poll workers failed to inform me that I could vote provisionally but fortunately I knew my rights and insisted that they allowed me to do so. Regardless to how many times I contacted the voter's registration office and filled out yet another application, the office told me that they could not identify the source of my problem of not receiving an ID card. I feel for those who faced a similar situation as mine but gave up because they were frustrated with a broken system.

In 2005 America saw the Bush administration empower Iraqi citizens voting in America in that of Iraq's first democratic election. Much effort was exerted to make this happen but, according to the Bush administration, it was conducted successfully and with no complaints of fraud. Juxtapose that to the electoral process for displaced Louisiana residents after Hurricane Katrina. FEMA refused to allow its records of the new locations of evacuees be used to send voters notices of upcoming elections. Displaced hurricane victims were not allowed to participate in a satellite voting system similar to that by which Iraqi citizens would use some 4 years later.

That problem exemplifies the same flawed principle that this proposed bill 362 possesses in its very nature - we shouldn't be working harder to help non-citizens vote in a foreign election harder than we work to empower our own citizens in the voting process. We should be encouraging voter participation, not discouraging it.

With respect to a higher dependency on voter ID cards to validate voters, the proponents of this bill suggest that it is the quintessential solution to ending "voter fraud". But the bill in and of itself provides no greater "protection" than already exists in Texas' laws. According to the Texas Secretary of State's office, registered voters can already use a driver's license, birth certificate, US passport, official mail from a government entity, or even a copy of a current utility bill, bank statement, or paycheck. According to the bill's author, these forms of ID would still be acceptable if the bill is passed so I asked why this bill is needed.

But this bill also disenfranchises many groups of people in varying circumstances.

- For example, if a registered voter's house is destroyed by fire, they will instantly lose all proof of their identify due to loss of driver's license, social security card, birth certificate, etc. During the months that it will take to obtain duplicate copies of these documents, many voters will be disenfranchised. The city of Houston averages an astounding 30 house fires per day!
- The evacuees of Hurricane Katrina faced additional challenges in addition to those posed by FEMA in that the court house records of Orleans Parish were all completely under water. I'm sure the Houston/Galveston area residents faced similar challenges with regards to loss of identification after Hurricane Ike.

In conclusion, I urge this Senate body to act responsibly by putting partisan politics aside and protect the voter's rights. Protect the rights of the elderly woman who never drove a car so never needed a driver's license. Protect the 18% of Americans age 65 and older who do not have photo IDs. Please vote "no" to SB 362.

Thank you.

Lloyd Gauthier (pronounced "gō'shā")  
Against SB 362  
Lgauthier1@yahoo.com  
832-465-4641

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## **VOTER I.D. LEGISLATION**

### **HOW WILL IT AFFECT THE WORKING POOR AND HOMELESS?**

By: Doug & Diana Bell  
March 10, 2009

In 1999 we founded an outreach ministry for the working poor and homeless people who live in downtown Austin. It is called Trinity Center. Here is what we have learned about the photo ID issues faced by this community.

Working poor and homeless people want to vote. Many of them are very interested in local, state, and federal elections. Participating in our political process empowers them to feel like they are part of our society. Many of them are proud veterans who have served their country in the past. They have opinions, and they want to voice those opinions in the voting booth just like everyone else. They have the right to vote. If bureaucratic road blocks keep them from the polls, they feel unfairly excluded from society.

Many working poor and homeless individuals do not have a photo ID. Often they do not have a driver's license because they can't afford a car. Identification theft is a chronic problem in this community. Many of them carry all of their worldly possessions in plastic bags or back packs. When they fall asleep in a public place their bags are stolen along with their identifications papers. This is a devastating loss to someone with no back up information stored in a safe place.

Three specific cases come to mind regarding stolen IDs. One of our friends that we met at Trinity Center is Terry. Terry came to Austin on a bus from Dallas. He had a new job lined up in the computer industry. When he got off the bus he was attacked. He was severely injured, and his bags were stolen. His injuries put him in the hospital. He lost his job opportunity because he couldn't report for work. Once he got out of the hospital he came to Trinity Center for help. With no identification he could not get a regular job. The best he could do was stay at the Salvation Army and work day labor until his could recover his ID. It took him several months to save up the money for the new IDs. He had to maneuver through the bureaucratic red tape to get a new photo ID so he could find permanent employment. Trinity center helped guide Terry through this process. He has now recovered. He has a job and a place to live. However, if an election had been held during his bad times he could not have voted even if he was properly registered to vote.



Another friend is Jose (not real name). He is a member of the working poor. He holds regular jobs from time to time. In the spring and summer he does landscaping. Sometimes he is homeless, and sometimes he has a place to live. A few months ago all of his identification was stolen. Without a photo ID he could not get a regular job. Fortunately, he survived on part-time work. It was very hard for him to save up enough money to apply for his birth certificate and a photo ID. He finally did receive his replacement photo ID, but it took him many months and a lot of money.

Don is another friend we met at Trinity Center. He is a mechanic who came to Austin for a job. As soon as he arrived his truck was stolen. His tools and his wallet were in the truck. Since he was going through a divorce, he had all of his possessions in the truck and no place to live. He filed a police report, but the truck was never found. Trinity Center helped him get back on his feet and work through the process of replacing his ID cards. This took several months which left Don with no place to live and no job opportunities. He has now recovered, but for a long time he was down and out. Voting was probably not his main concern during this period in his life. But if he had been disenfranchised by his own State government, it would have just been another sign that no one cared about him.

### **Why does it take so long to get a photo ID?**

When someone living on the edges of society loses their identification they don't know where to start. They don't have any back up identification to even start the process. Usually they get help from shelters or agencies who work with the homeless and working poor population. They are given a list of documents they will need to get a photo ID.

Most people start by getting a certified copy of their birth certificate. The Texas Department of Public Safety (DPS) calls this a secondary document. You need one secondary document and two supporting documents to apply for a driver's license or Texas photo ID. If you were born in Texas you can apply to the Texas Department of Health for a certified copy of your birth certificate. The process takes 2-4 weeks and costs \$22. If you were born in another state the process can take 6 weeks to 3 months and costs around \$30.

Once you receive your birth certificate you need to get two supporting documents. The most common one is a social security card. You have to present your birth certificate to get a social security card. The replacement cards are free, but it takes 10-14 days to get the card in the mail.



For the second supporting document many people request copies of their school records from their high school or middle school. This can often be done by faxing the school and paying a fee of \$5-\$10. The process is usually done by mail and takes 2-3 weeks.

Once you have your birth certificate (secondary document) and two supporting documents, you can apply at the DPS office for a driver's license or Texas photo ID card. You must appear in person at a DPS office. The driver's license costs \$24, and the Texas photo ID costs \$15. After you apply you must wait 10-14 days to receive your new photo ID in the mail.

In summary the process for getting a photo ID takes a minimum of 6-10 weeks if everything works perfectly. It also costs \$22-\$50. The biggest problem is usually finding the money. However, if an election is coming soon, time is a problem too.

Another unexpected problem happened in the fall of 2005. Hurricanes Katrina and Rita hit the Gulf Coast. Thousands of evacuees flooded Texas cities. Many had lost their identification in the floods or in their haste to flee the storms. So the Texas and Louisiana agencies who issue birth certificates, school records, and photo IDs were flooded with applications. The chaos created by these natural disasters caused thousands of individuals to suffer without proper identification for many months. This caused a lot of economic hardship. If an election had occurred many would have been disenfranchised too. That would have added insult to injury for poor people already suffering from a natural disaster.

The voter ID legislation currently being considered by the Texas Legislature will place unnecessary and burdensome requirements on the working poor and homeless people in our State. They are the least likely people to have a photo ID when it comes time to vote. Women in poor families will especially be affected. These women often do not drive and do not have driver's licenses. If Texas now requires a photo ID to vote, they will not be able to afford the applications fees or be able to take the time off to go to the DPS office and the Social Security office. There is not enough money in these families to pay for two photo IDs. So only the husband will be able to vote. Many of the working poor and homeless population will not be able to comply with the Voter ID rules currently being considered. Their rights will be taken away by this defacto "poll tax".



## *League of United Latin American Citizens*

**LUIS ROBERTO VERA, JR.**  
National General Counsel

March 9, 2009

To: The Honorable State Senators of Texas  
Re: Committee Considering Voter Identification Bill

### **LULAC's OBJECTION AND ARGUMENT AGAINST VOTER IDENTIFICATION BILL**

LULAC through its National and State of Texas board of directors unanimously call on you, the State Legislators of Texas to stand with us in protecting the Voting Rights of all the citizens of Texas. In addition LULAC asks you to protect the voting rights of Latino voters as mandated by sec. 5 and sec. 2 of the Voting Rights Act. Specifically, LULAC argues against the passage of any voter identification bill until such time as Texas can guarantee zero tolerance of voter discrimination and implement all of the protections of the Voting Rights Act and as ordered by the US Supreme Court. Given the history of Texas, we are certain that this will be a long time in coming.

#### **Recent History:**

In the preceding 3 years, 2005, 2006, 2007, the Voting Rights section of the Department of Justice filed 10 separate lawsuits against the State of Texas. All 10 suits were for discrimination against Mexican Americans and 1 of the suits involved discrimination against Mexican Americans and African Americans combined. There was also a separate lawsuit in Harris County for discrimination against Vietnamese Americans. All suits were successful against Texas and the State entered into consent agreements to correct the discrimination. During this same time period several suits were brought by LULAC and MALDEF against Texas and separate individual government entities for discrimination against Mexican Americans. In, *LULAC v. Perry* the US Supreme Court found that Texas purposely discriminated against Mexican Americans in congressional district 23 for purely political purposes. The US Supreme court ordered a remedy. In *Farmers Branch, Texas*, the federal courts have enjoined the City from implementing discriminatory ordinances which have the effect of targeting people of Mexican descent. The federal court found the ordinance unconstitutional. Texas has spent millions of taxpayer dollars to defend and remedy these suits.

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Below are some excerpts from the *US v. Hale County TX* complaint brought by the Voting Rights section for purposeful discrimination against Mexican Americans. Hale County entered into a consent agreement to correct the problem.

12. Section 208 of the Voting Rights Act provides that "[a]ny voter who requires assistance to vote by reason of blindness, disability, or inability to read or write may be given assistance by a person of the voter's choice, other than the voter's employer or agent of that employer or officer or agent of the voter's union." **42 U.S.C. § 1973aa-6.**

13. In violation of Section 208, the Defendants, their employees, and agents have failed to allow voters the assistors of their choice through the following practices:

- a) Prohibiting family members and poll watchers from providing assistance to limited English proficient Spanish-speaking citizens.
- b) Requiring Spanish-speaking voters to be assisted by poll workers who either did not speak Spanish or did not speak Spanish fluently.
- c) Failing to accurately and adequately instruct poll workers on their duty to permit voter's assistance from any person of their choice, other than their employers or union officials.

14. Defendants' failure to allow voters to receive necessary assistance from any person of their choice, other than their employers or union officials, as described herein, is a violation of Section 208 of the Voting Rights Act. **42 U.S.C. § 1973aa-6.**

15. Unless enjoined by this Court, Defendants will continue to violate Section 208 by failing to provide Hale County's voters with the opportunity to receive assistance from persons of the voters' choice and by limiting the scope of the assistance voters can receive from their chosen assistors.

#### **SECOND CAUSE OF ACTION**

16. The Plaintiff hereby alleges and incorporates by reference paragraphs one through sixteen above.

17. Under Section 203 of the Voting Rights Act, "any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots" that Defendants provide in English must also be furnished in Spanish to Spanish-speaking voters. **42 U.S.C. § 1973aa-1a(c).**

18. In violation of Section 203, the Defendants, their employees, and agents have not effectively provided election-related materials and information in Spanish to limited English proficient Hispanic citizens as required by Section 203 of the Voting Rights Act, including, but not limited to, the following:

- a) Failing to recruit, appoint, train, and maintain an adequate pool of bilingual poll officials capable of providing effective language election information and assistance to limited English proficient Spanish-speaking citizens that it provides in English; and
- b) Failing to provide certain election-related information that it provides in English, including, but not limited to, information publicizing elections, in a manner that assures Spanish-speaking voters an effective opportunity to be informed about election-related activities.

19. Defendants' failure to provide effective Spanish language materials and information, as described herein, constitutes a violation of Section 203 of the Voting Rights Act, **42 U.S.C. §1973aa-1a(c)**.

**NVRA (National Voter Registration Act)**

Section 7 of the Act requires states to offer voter registration opportunities at all offices that provide public assistance and all offices that provide state-funded programs primarily engaged in providing services to persons with disabilities. Each applicant for any of these services, renewal of services, or address changes must be provided with a voter registration form of a declination form as well as assistance in completing the form and forwarding the completed application to the appropriate state or local election official.

Before Consideration of Voter ID Bill Texas must put a premium on election judges that are bi-lingual and that represent a cross section of the community, Hispanic, African American, Asian.... etc.

Under Sec. 5 of the VRA, Texas has the burden to prove that any voter id plan is not discriminatory. With this in mind, Texas needs to have solid numbers of who does and who does not have "valid" ID's.

In *Georgia v. Ashcroft* the ID requirement was found to be unconstitutional until Georgia made ID's available for free, including secondary documents (birth certificates ...etc), and implemented a strong voter education program, including how to acquire valid ID's. The court also ordered a sufficient time period for voters to be educated and obtain their valid ID's.

It is clear from the Georgia decision that voter ID in Texas cannot be accomplished this year or at any time, until the legislature first allocates the resources and designs a plan to provide free ID's together with all secondary documents. Texas must also fund and implement a strong voter education program for the voter ID process together with the other protections ordered by the court.

**Options:**

- Give everyone a free ID and supporting documents, ie. Birth certificates
- If the presumption is that having valid ID (driver's license) implies citizenship, then provide automatic voter registration when a driver's license or other "valid" ID is issued.

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- Pursuant to the national voter registration act, Texas must make photo ID's available for free wherever voter registration is available.

To abandon a system that has fairly allowed Latino's to gain political strength in Texas and substitute in its place a system that has the potential to dilute Latino votes is likely to "lead to a retrogression in the position of racial minorities with respect to their effective exercise of the electoral franchise." **Miller v. Johnson, 515 U.S. 900, 926 (1995) (quoting Beer v. United States, 425 U.S. 130, 141 (1976)).**

In light of the fact that the proposed change brought forward by the Texas legislative committee is likely to violate both section's 5 and 2 of the federal Voting Rights Act, LULAC urges you to NOT ADOPT the proposed voter id bill.

LULAC has participated in over 400 court ordered elections in Texas since adoption of the Voting Rights Act and will vigorously challenge any voter ID bill. LULAC is ready to pursue an objection before the voting rights section of the department of justice and if necessary the federal district courts to stop any voter ID bill until such time as Texas adheres to LULAC's objections, recommendations and options.

Respectfully submitted on behalf of the National and Texas State Board of the League of United Latin American Citizens,

/S/ Luis Roberto Vera, Jr  
Luis Roberto Vera, Jr

cc: Rosa Rosales, LULAC National President  
Joey Cardenas, LULAC Texas Director

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## **SB 362 Voter ID Bill**

My name is Daniel Dodd, the Democratic Chair of Collin County, and I come before you today to oppose SB 362.

Many of you were elected by Republican or Democratic voters in your district, but when you serve, you represent every citizen in your district including Republicans, Democrats, independents and even nonvoters. Your constituents are not the lobbyists and corporations that outnumber and besiege you every day. Today, I am talking on behalf of your constituents.

This Voter ID bill is a solution looking for a problem. There is no verification that unqualified voters are besieging our polling places. Yet some in our legislature have made a concerted effort to promote a bill that disenfranchises registered elderly and disabled voters and financially-challenged students who may have difficulties getting photo ID cards.

Voter IDs were a problem in Indiana just last May when twelve nuns were denied their right to vote although they had voted at their polling place for a decade or more. Those nuns, all retirement home residents at Saint Mary's Convent near Notre Dame University, were denied ballots by a fellow sister and poll worker just because the women, in their 80s and 90s, did not have valid Indiana photo ID cards.<sup>1</sup>

This bill will affect older Democratic and Republican voters alike so, just for argument's sake, let's say this bill would prevent 30,000 registered voters from voting: 10,000 Republicans and 20,000 Democrats state-wide. Some would say that is

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<sup>1</sup> <http://articles.latimes.com/2008/may/07/nation/na-voterid7>

a 10,000 “net gain” for the Republican Party. In reality, it’s a 30,000 ”total loss” for both parties and Texas voters.

We claim the United States is the most Democratic country in the world. Yet Iraq outvoted us 72% to 60% in 2004-05 elections when their entire population was literally under the gun.<sup>23</sup> We should be encouraging our citizens to register, educate themselves on the candidates and issues, and vote. Instead, our state executive and legislative branches seek partisan ways to deny registered voters their right to vote and unregistered voters the right to register. In contrast, the California Secretary of State mails every voter household a sample ballot with the pros and cons on the candidates and issues and their polling place dates and locations.<sup>4</sup> They encourage everyone to vote because it’s the right thing to do. Texas should do it too.

Like Diogenes, the Greek philosopher who carried a lamp during the day looking for an honest man, voters are looking for statesmen like Sam Rayburn, Barbara Jordan and Jake Pickle who passed through this very legislature serving without the partisanship and rancor we see today.<sup>5</sup> I urge you to vote against SB 362 and every Voter ID bill before this legislature. Anything else denies the rights of Texas’ citizen voters.

Thank you for allowing your constituents to testify on SB 362 before the Senate of the Whole.

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<sup>2</sup> <http://www.asianews.it/index.php?l=en&art=2460&dos=35&size=A>

<sup>3</sup> [http://elections.gmu.edu/Turnout\\_2004G.html](http://elections.gmu.edu/Turnout_2004G.html)

<sup>4</sup> <http://vote-ca.org/?gclid=CKm9vpuylpkCFQVhnAodwXwWbw>

<sup>5</sup> <http://www.blupete.com/Literature/Biographies/Philosophy/Diogenes.htm>



Honorable Members of the Texas State Senate,

I appreciate the opportunity to address you personally and comment on SB362. My name is Nancy Glasscock and I reside in SD24, Bell County, Texas.

Several credible sources recently forecasted that between 100,000-300,000 Texans will lose their jobs in 2009. Texas lacks adequate funding for transportation, education and healthcare-- areas considered to be in crisis in our great State. We lead the nation in highest homeowners insurance, auto insurance and electricity rates. We're in the midst of exposure to Mexican drug and gang wars spilling over into our State. Yet, what urgent priority have Republicans leaders chosen for the 81st Texas Legislative Session? The best description of SB362 I've heard so far comes from Senators Gallegos and Ellis-- the phantom menace of voter impersonation at the polls.

Proponents of this bill want us to believe that a problem exists but Royal Masset disagrees. For those of you unfamiliar with Mr. Masset, he is a consultant who has been involved with over 5,000 Republican campaigns in the State of Texas. (quote) "His experience is that in-person voter fraud is nonexistent. It doesn't happen, and if you really analyze it, it makes no sense because who's going to take the risk of going to jail on something so blatant that maybe changes one vote?" Millions of Texans, including myself agree and we're asking the same question, who is willing take that risk?

Proponents of this bill want us to believe that a person who, is in this country legally, holds a green card and is awaiting US citizenship approval, will take the risk of being jailed, fined, deported and lose his/her right of ever becoming a US citizen-- just to cast a vote impersonating a dead person. Ladies and Gentlemen, come on! It doesn't make sense and it's grossly far fetched. It doesn't even make sense when one considers those in this state illegally. Illegals aren't interested in exercising their right to vote--they don't have one. They're doing everything in their power to stay under the detection radar the same way they got into this state because Texas has missed previous opportunities in making border security a priority. Impersonating a dead person at the polls! Really?

The Texas Attorney General's office has prosecuted 22 cases of voter fraud over the last six years and not one case, NOT ONE CASE would have been prevented by requiring a photo ID. How does that substantiate the need for SB362? With all due respect, it appears Senator Frazier's bill is an effort to intimidate legitimate, legal registered voters who may or may not be able to produce a photo ID when they show up to cast their vote. As a legal Texas voter, a voter registrar and a sixth generation Texans it makes me mad. If legitimate voters have completed the process to register and are listed on the voter roll why would you want to discourage their participation? With all due respect, I think the answer to that question is bogged down in more partisan misplaced priorities. SB362 doesn't make sense for these reasons and as Republican campaign expert Royal Masset pointed out.

Most importantly, taking a non-issue like photo ID and trying to legitimize it as a real issue is shameful and undermines the integrity of the election process. SB362 is not only a non-issue but it's also bad stewardship of our tax dollars especially when more critical, discernible issues are at stake in this legislative session.

The fact of the matter is voter fraud does exist but it lends itself in more systematic ways through ballot box stuffing, voter machine manipulation, registration list manipulation and absentee balloting. So I offer Senator Frazier and his honorable colleagues alternatives. Protect the integrity of the election process by requiring the Secretary of State improve poll worker training in every county. Which by the way--accounts for a vast majority of election fraud. Budget for and if necessary, request more federal HAVA funds for Texas

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**elections so poll workers are professionally trained and accountability standards are met before being allowed to work ANY election. And I urge the Honorable Senator Frazier and his colleagues demand that Texas backs up every electronic voting machine with a paper trail. These are real election issues which need your attention, not voter impersonation of dead people at the polls.**

**So, let's cut through this thinly veiled partisan attempt to suppress Democratic voter turnout. Let's save the taxpayers money. We are after all experiencing a budget deficit, aren't we? Let's make Texas the model standard as the state with the most convenient and most efficient election process in the nation. You can start today by solving the problems we KNOW exist.**

**Members of the Texas Senate, stop playing ghost voter games with the very democratic process which afforded you the honorable seats you hold today. I urge you, please vote AGAINST SB362.**

**I appreciate your time and consideration.**

**Nancy Glasscock  
909 Westend Drive  
Temple, Texas  
76502  
254-780-9047  
Senate District 24**



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**Rachel Baker Ford  
3317 Knights Haven Lane  
Garland, Texas 75044-5429**

**RE: Voter ID Bill: SB362 (Frasher)**

**I am opposed to the to the Voter ID bill.**

**There are numerous reasons someone would not have ID. None have anything to do with their citizenship status. For example, many people do not have a driver's license because they cannot afford insurance. The homeless have no address to list, so they cannot really get any form of ID. A 2006 study by the non-partisan Brennan Center for Justice found that 18% of Americans age 65 and over did not have a photo ID. The Texas Conservative Coalition Research Institute reported 37% of Texans over the age of 80 do not have a drivers license. The same study found that 25% of African Americans do not have a government issued photo ID. According to data from the US Census Bureau, women are more that twice as likely as men to not have a driver's license. One in five senior women do not have a driver's license. The Texas Department of Vital Statistics reports an average of 200,000 marriages and divorces each year. After a change in marital status, it can take up to two months to get a new ID (In the interim, the name and/or address would not match the voter registration document.) An academic study of the 2004 presidential election conducted for the Federal Election Assistance Commission found states with Voter ID laws have an overall turnout reduction of 3% in the general population, 5.7% among African Americans and a 10% reduction among Hispanics.**

**Philosophically, having a driver's license, State ID, or other identification, is a privilege which The State is able to take it from you if you don't comply with the law (for example, if you drive without insurance). Voting is a right, and is therefore inalienable. Under no circumstances can a privilege ever trump a right.**

**Furthermore, the right to vote is enshrined in the Constitution (in several places), and eight of the 27 amendments expand the right to vote - Amendments 12, 14, 15, 17, 19, 23, 24, and 26. The Constitution has never been amended to limit the right to vote.**

**The act of choosing who represents you is the central act of the citizen of a democracy. The poor, the disenfranchised, the homeless, or anyone else who may have difficulty providing a photo ID, are just as much citizens of this country as you or I or anyone else. And they have the same right to participate in our system of government.**

**Rachel Baker Ford**

**March 10, 2009**

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Lt. Governor, honored members of the Texas Senate, distinguished guest, and civic minded Texans who are here to testify, thank you for allowing me to state my views on this voter suppression, excuse my voter id bill.

I apologize for the handwritten statement as I know it is difficult to read. I have myopathy which affects me from this level down front and back and also affect both arms and hand and makes writing extremely painful. I would have typed it on a computer but mine is stored at a friend's home since I am home less and I do not have a laptop but I digress

This bill threatens handicapped and home less Texans and their ability to vote. These two groups of Texans are subject to lose their id's through theft or simple loss due to their disability or being targets for crime. You want to disallow their votes without a voter id card and ID. Do you have any comprehension of the amount of time, energy and money involved in getting an ID? If you don't have one, you need your birth certificate - which cost money and takes time and then more money and time to get your id.

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The members of the Texas Senate and  
 elected officials, do you think your time  
 is better spent silencing Texas and African-  
 American voters or could it be better spent  
 finding answers to the homeless situation.  
 School funding, SCHIP and so many other pressing  
 issues facing our state. Last session, Sen. Gabejar  
 risked his very life to top a bill such as this.  
 Who's life are you willing to riskorse to retain  
 power? This bill does nothing for Texas or Texas  
 I hope you will think ~~of~~ longer and wisely  
 before you vote on this voter suppression-exercise  
 me-voter ID bill and then vote no.

I skipped school the day I turned 18 to  
register to vote even though my birthday - Nov. 12 -  
was past election day because I said as my  
civic duty, ~~to be~~ some of you are now  
saying that if I am 18 by the week of an  
election my vote should not count even if  
I have my voter id card ~~that week~~  
~~given & ever: it's been 5 years from American?~~  
I have been voting every year and am now  
50 years old but you no longer want to honor  
my voter id card.

March 10, 2009

Dear Chairman and Committee Members,

I support SB 362 and HB 125

How important is your vote? It has the potential to change the course of your city, community, school board, county, state and your country.

“Senator Wendy Davis denounced the senate rule change and said the legislature has more important things to consider.”

How important is it when someone gets elected and changes the course of the country? Take the example of Lyndon Baines Johnson. Remember the southwest county that gave LBJ his Senate seat and he went on to become Vice-President and President. Remember Vietnam!

Senator Mario Gallegos said, “Just because the court decision indicated that it’s legal doesn’t mean that its right. The Supreme Court doesn’t have a vote in the Texas Legislature”. Does that mean the US Supreme Court decision on Civil Rights has no place in the Texas Legislature?, No place in redistricting to meet Civil Rights mandates?, No place in the campaign laws? Does that also mean the State and US Constitutions have no place in the State Legislature?

Let’s look at Florida in the 2000 presidential election. The election process, debate and lawsuits destroyed the confidence of the election process. President Bush never regained the majority support to get things done for the betterment of the country.

Prove Voter fraud? It is extremely difficult to prove voter fraud, but so easy commit fraud and get away with it. When someone fills out a voter registration card to vote, it is done on the honor system. You could effectively fill out multiple cards.

When you request a mail in ballot, it is on the honor system but so easy to commit voter fraud.

We have lost the integrity of voting at the voting booth. ACORN has successfully registered so many fraudulent voters, it is very difficult to correct. Fraud allegations have been made against ACORN and lawsuits have been filed against ACORN. The lawsuits have proved voter registration fraud. ACORN is under federal investigation for voter fraud throughout the country. We have another loss in the integrity of a vote. ACORN is going to receive \$4.2 Billion Dollars to expand its role in the voting presence ridden with the potential for more fraud in voter registration.

State Representative Mark Strama on many occasions has mentioned that photo id disfranchises the electorate. He would do everything he could to block the legislation, even though it meant going against the U.S. Supreme Court.



Folks of civil rights groups and advocacy groups say it disfranchises the elderly, the disabled and other segments of the electorate. These are the very same people that are required to have a photo ID to show at banks to get their government checks from social security and other forms of government checks. You have to show a photo ID to cash a check at the bank, use a credit card, to go to a secure area such as the airport etc. It is federal law that a photo ID be shown to open an account at a bank, credit union, brokerage account, as well as to get a small loan from a financial institution, This is in reference to the money laundry regulations.

Do you have an honor system to register to vote? No!

Do we have the sanctity of a vote? No!

Is it tough to prove voter fraud? Yes!

How many states have Photo ID? 24 States!

U.S. Supreme Court has upheld the right to have a Photo ID Vote.

There are those that would consider Photo ID as part of a package to allow people to register to vote the same day. So, I guess it will be easy to vote in multiple precincts, counties etc on the same day. One Vote – One Person will not stand under this! You can go to the local flea market to get multiple photo ID cards with different alias' to make this successful.

Absentee ballot fraud does occur but is difficult to prove. It is easy to research on the internet to find multiple stories of absentee ballot fraud. To prevent absentee ballot fraud, a common sense approach would be to obtain signatures that match whatever form of ID is being used such as copy of driver's license or Government Issue photo ID.

"Hans Von Spakovsky, visiting scholar at the Heritage Foundation pointed out the long history of voter fraud".

"There {have} been so many examples of voter fraud documented throughout the history that it demonstrates not only that voter fraud is real, but that I could effect the outcome of a close election".

States with photo id requirements have had record voter turnout. You can find examples of this in states like Michigan, Louisiana, Hawaii, Indiana, Georgia, Alaska and Florida. These states are represented by either Republican or Democrat majorities. Photo ID did not disfranchise anyone from casting their vote but instilled the integrity in the voting process. Why the record turnout? Because the electorate began to believe that their vote counted and could make a difference.

In closing, we ask that you support requiring a showing of a photo id in order to cast a vote. This will result in rebuilding the confidence and the integrity of the voters, increasing the voter turn out and having an honest election. Let us not have fraud change



the course of our history in the community, state, or country. There are consequences in elections that can cost lives, we could lose our property and change the outlook of the country, state, county and/or city for many generations.

Sincerely,

Jerry J. Mikus, Jr.  
19205 Ganton Court  
Pflugerville, TX 78660  
512-990-8740

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**TESTIMONY BEFORE THE SESSION OF THE COMMITTEE OF THE WHOLE OF  
THE TEXAS STATE SENATE REGARDING SENATE BILL 362.**

By Harley J. Spoon  
12304 Owl Cove  
Austin, Texas 78750  
512 250 1775

March 10, 2009

I will not mince words in expressing my total disdain for Senate Bill 362 and what it represents by its intent and its possible ultimate effect on elections in the State of Texas and the rights of Texas citizens.

It is my opinion that all Republicans who have ever filed this kind of legislation believe that anyone who shows up at a polling place to maybe vote for a Democrat does so with innate dishonest intent rather than genuine patriotic concern.

In our system of justice one is not finally guilty of a crime until that person has confessed and/or has been proven guilty in a court of law by a judge or a jury of his or her peers. The basic assumption of SB362 is that those whose names are on a poll list in the precinct of their residence are there to vote illegally before they have ever voted at all.

The Republican Party, through the provisions of SB362, would force a potential voter to prove his/her innocence prior to ever legally casting a vote by making him or her jump through the hoops it requires of certain targeted citizens in certain demographic circumstances. That cynical assumption is an insult to the good people of Texas and a slap at the constitutions of Texas & the USA. So much for Republican "strict constructionism"!!!

The Republican Party has, through various means of propaganda, the big lie, convoluted logic, half-truths and outright lies, in hysteric support of legislation such as SB362, caused many Texans to assume that illegal aliens and terrorists come to Texas specifically to subvert our election process by voting and, by doing so, to destroy our nation.

**ILLEGAL ALIENS DON'T COME TO TEXAS TO VOTE. THEY COME TO TEXAS TO WORK.**

**FOREIGN TERRORISTS DON'T COME TO TEXAS TO VOTE. THEY DON'T BELIEVE IN THE VOTE. THEY ADHERE TO OTHER MEANS TO ACCOMPLISH THEIR EVIL PURPOSES. NATIVE BORN DOMESTIC TERRORISTS HAVE LONG AGO LOST FAITH IN THE ELECTION PROCESS. THEY EMPLOY OTHER VICIOUS MEANS TO FURTHER THEIR CAUSES.**

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Notwithstanding the Bettancourt claims that thousands of illegals have voted or attempted to vote by fraudulent registration or impersonation in Harris County, VOTER IMPERSONATION AT THE POLLS HAS NOT AND DOES NOT OCCUR. IT IS ALREADY A FELONY!

If Mr. Bettancourt's assertions were true, why did he not investigate each and every instance he cited in order to determine if those who tried to register to vote or tried to vote illegally were actually aliens or people ineligible to vote? Why didn't he prosecute those who allegedly committed or attempted to commit what he calls "voter fraud"?

The answer to both questions is that Bettancourt's allegations were, as a result of purposeful convoluted logic, trumped up attempts to cause Harris County and Texas citizens to believe Texas' elections system is broken and must be fixed. His plan to "fix" this fictional fault in our election system parallels the Republican's Party's national plan to place as many obstacles, barriers and complexities as possible in the path of those who voting analysts concur might want to vote for Democrats--senior, disabled, naturalized, indigent, student and minority CITIZENS.

One might conclude that Karl Rove and Tom Delay were guiding Mr. Bettancourt's efforts all the way. That, after all, has been part and parcel of the Rove/Delay "conspiracy" to bring about a permanent Republican majority in Texas and the USA, albeit recently derailed.

Regarding senior, indigent, naturalized, disabled, minority and student Texans who may want to vote, Senate Bill 362 presents expensive and complex hoops for them to jump through in almost all Texas counties--especially large and sparsely populated counties--to obtain that FREE ACCEPTABLE PHOTO ID.

What about the frail Texas senior citizen who doesn't drive and lives many miles from a courthouse, courthouse annex, drivers license office or other acceptable place by which to obtain acceptable photo ID.? That citizen would have to ask someone to drive him/her to the courthouse or annex in order to register; or take a taxi or a bus—if a bus even goes from his/her residence to those possibly remote places. That could be a long, expensive round trip in many Texas counties given the increasing cost of gas.

What about the college student who lives in a dorm or moves from apartment to apartment from semester to semester?

The provisions of SB362 and other such Republican sponsored bills unfairly impede certain targeted citizen's right to vote unencumbered! THAT IS VOTER SUPPRESSION, MR. DEWHURST!

Many senior, indigent, disabled citizens don't pay a utility bill or have a telephone. Many of them live with their children or in nursing homes where someone else pays the utility bill, telephone bill, etc. The social Security card has no picture on it. Neither does the certified birth certificate. I could go on.

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Recently I wrote a letter to the Waco Tribune Herald Editor criticizing SB362. A spokesperson for Senator Fraser responded to the Waco Tribune Herald & stated that Senator Fraser's bill would see that appropriate voter identification would be "free" to anyone who would use the free photo ID "only to vote". Great, but why should any Texan be forced to endure the humiliation of exposing his/her financial situation in order to exercise that right to give his or her consent to those who would govern him/her from cradle to the grave? Will SB 362 provide the cost of the trip to the appropriate photo ID location? Will SB 362 pay the expense one might incur for a replacement birth certificate or other costly credentials--naturalization papers, etc.--necessary to qualify for Senator Fraser's "free" photo ID?

Republicans argue that one must have photo ID in order to buy alcohol, get into an adult movie, buy a gun, get a drivers license, etc. Those are not constitutional rights. Voting is. It seems Republicans prefer making it easier to buy a gun than to vote!

I categorically assert that the real intent of House Bill362 is to make it very difficult and, in some cases, impossible, for some who might want to vote for a Democrat to vote at all.

If Republicans are serious about making Texas elections perfect, why are they not giving maximum attention to mail-in balloting. It is impossible to show photo ID in a mail-in ballot? That is where voter fraud may take place. The answer is that Republicans use mail-in balloting more than Democrats according virtually all pertinent research.

To sum it up, Mr. Dewhurst, Mr. Williams, Mr. Fraser, Senate Bill 362 is a dishonorable attempt to crumble the foundation of our representative democracy--the notion of "the consent of the governed"--which is essential to a democratic republic!!! Many Americans have been maimed or have died fighting for the principle of the "consent of the governed"! My Dad fought & was wounded in three wars for that right--WWII, Korea & Vietnam. SB362 spits in his face & their brave faces & on their graves.

Mr. Dewhurst, Mr. Fraser and all who support the concept and intent of SB362, it is, for all of the reasons cited above and more, VOTER SUPPRESSION AND VOTER DISENFRANCHISEMENT.

Republicans run to win, not to govern. When they do try to govern, it is always on behalf of those who don't need government--the powerful and well connected--at the expense of those who do--the very old, the very young, the sick, the indigent of all ethnicities, those who are impaired in one way or another and those who lack the physical or financial wherewithal to work their way through the maze of government but who still have the right, as citizens, to determine via the "free and unencumbered vote", those who will govern them. They are the very ones you are trying to disenfranchise, Mr. Dewhurst & Mr. Williams. They are those, among others, who Democrats champion and will continue to champion.

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Senate Bill 362 is just one more example of what Republicans--who see their ship about to sink in Texas and the USA--will do to hold on to power or gain power, as the case may be.

Thank you...

Read what I have said and then go and take a long, thoughtful look in the mirror at what you see looking back. Give serious thought to what you are about to do and then do the honorable thing and vote against this shameful piece of legislation. Vote against SB362 if you have an ounce of patriotism, class, character and real regard for this special state and nation and its citizens.

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TESTIMONY OF JAMES COLIN HARDING

MARCH 10, 2009

PUBLIC TESTIMONY FOR SB 362 VOTER IDENTIFICATION.

I AM THE PRESIDING JUDGE FOR HARRIS COUNTY: SIGNATURE VERIFICATION AND ABSENTEE VOTING AND THE EARLY BALLOT BOARD.

IN THE LAST FEDERAL ELECTION MY BIPARTISAN BOARD OF 45 VOLUNTEERS PROCESSED OVER 70,000 BALLOTS AND 7,000 PROVISIONAL BALLOTS.

I AM A RETIRED VICE PRESIDENT WITH MARS, INCORPORATED, THE MAKERS OF SOME OF THE FINEST CONFECTION PRODUCTS IN THE WORLD. ALTHOUGH I SPENT CONSIDERABLE TIME IN MARKETING AND HUMAN RESOURCE MANAGEMENT, I STILL CONSIDER MYSELF A PLANT/PRODUCTION MANAGER. I SPENT A CAREER COMMITTED TO ADVANCING A QUALITY PRODUCT AND BUILDING INTO THE PRODUCTION SYSTEM THE MOST EFFICIENT PRODUCTION PROCESSES.

I STRONGLY SUPPORT AND URGE THIS LEGISLATIVE BODY TO REQUIRE POSITIVE VOTER IDENTIFICATION SYSTEMS TO DRIVE THE VOTING PROCESS FROM INITIAL REGISTRATION TO FINAL CERTIFICATIONS OF ELECTIONS.

YOU NOTICE I USE THE TERM POSITIVE VOTER IDENTIFICATION SYSTEMS, THAT CAN MEAN WHATEVER YOU WANT IT TO MEAN. I WANT TO BE ASSURED THAT THE JOHN PAUL JONES III OF 220 MAPLE STREET, WACO, BEFORE ME IN PERSON OR ELECTRONICALLY IS THE SAME JOHN PAUL THAT IS REGISTERED IN MCLENNAN COUNTY.

ANOTHER EXAMPLE, SEAMAN JOHN PAUL JONES II IS SERVING ABOARD THE USS ABRAHAM LINCOLN AN ATTACK AIRCRAFT CARRIER IN THE CHINA SEA. HE SWIPES HIS POSITIVE IDENTIFICATION INSTRUMENT ON A TERMINAL IN THE SHIP'S OFFICE AND EXECUTES A BALLOT VIA EMAIL DURING THE EARLY VOTING PERIOD.( A PAPERLESS TRANSACTION IF DESIRED. ) THE MCLENNAN COUNTY CLERK HAS A RECORD DOCUMENT OF JOHN PAUL'S VOTE.

JOHN PAUL JONES, JR. IS RETIRED FROM EXXON, BUT HAS GONE BACK TO QATAR ON CONTRACT. THE EXXON EMPLOYEES SERVICES GROUP FACILITATES MR. JONES'S TEXAS ID AND HE VOTES WITHOUT SNAIL MAIL BEING EXCHANGED.

THE TECHNOLOGY EXISTS AND HAS FOR YEARS TO INCREASE THE USE OF USER FRIENDLY TECHNOLOGY IN THE VOTING PROCESS, YOU CAN CHANGE THE VENUE TO HOSPITAL, NURSING HOME, REHAB CENTER, COLLEGES, OR JUST ABOUT ANY PLACE PEOPLE GATHER. EARLY VOTING TURNOUT HAS NOW TRUMPED THE PRECINCT AS THE MOST EFFICIENT PLACE TO VOTE., YOU CAN VOTE ANYWHERE IN THE COUNTY, CLOSE TO HOME, WORK OR ON THE WAY.

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JAMES COLIN HARDING

PAGE 2

YOU ARE MARRIED ONLY TO A FIXED VOTING SITE ON ELECTION DAY AND TECHNOLOGY MAY/CAN ALSO OBSOLETE THE FIXED VOTING SITE AS A RELIC OF THE PAST.

BUT TECHNOLOGY CANNOT SERVE US WITHOUT THE INTRODUCTION TO A POSITIVE VOTER IDENTIFICATION PROCESS, OTHERWISE WE LEAVE THE PROCESS OPEN TO GAMING.

INITIALLY IN MY OPINION ACROSS TEXAS A FEW BUILDING BLOCKS NEED TO BE IN PLACE.

1. THE VOTER REGISTRATION PROCESS AND THE VOTING ADMINISTRATION PROCESS SHOULD BE ONE SEAMLESS AND TRANSPARENT ORGANIZATIONAL ENTITY.

2. ONE ORGANIZATION UNIT HANDLES THE ALPHA OF REGISTERING VOTERS AND THE OMEGA OF CERTIFYING THE ELECTION. THERE IS NO ROOM FOR FINGER POINTING ON WHO DROPPED THE BALL IN THE ELECTION PROCESS.

3. ACCOUNTABILITY IS FIXED AND THE AUDIT TRAIL IS TRANSPARENT TO ANY INQUIRY.

4. ONE HIGHLY AUTOMATED SYSTEM DRIVES ALL ASPECTS OF THE VOTING PROCESS. HARRIS COUNTY NOW USES TWO SYSTEMS WHICH DON'T SPEAK WITH EACH OTHER.

5. THE IMPLEMENTATION OF A STATE WIDE SYSTEM WOULD BE FACILITATED BY COMMON ORGANIZATIONS AND SYSTEMS.

6. THE TRAINING OF ELECTION WORKERS IN ELECTION LAW AND PROCEDURE WOULD BE ENHANCED.

7. THE VOTERS OF TEXAS WILL HAVE MORE CONFIDENCE IN THE VOTING SYSTEM.

8. ELECTION WORKERS ARE NOT INVESTIGATORS OR SEEK CONFRONTATION WHEN A VOTER'S IDENTITY IS IN QUESTION. POSITIVE VOTER IDENTIFICATION BUILDS EVERYONE'S CONFIDENCE THAT THEY ARE DOING THE BEST JOB POSSIBLE BECAUSE THE STATE LEGISLATURE GAVE THEM THE TOOLS TO DO THE JOB.

THANK YOU, I AM AT YOUR SERVICE.

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I regret that I was not willing to present my testimony in person due to the unreasonable hours and exhaustive grandstanding of these proceedings. Herin lies my public testimony REGARDING VOTER ID.:

My vigilance on the matter of voter ID in Texas came to my attention while communicating opposition to the federal REAL ID ACT of 2005. Staffers in offices concluded incorrectly that Texas voter ID was the same as the federal Real ID. Then through my witness of these proceedings I found Senator Kirk Watson had the poor judgement to hitch the federal identity to Texas identity while voting. My identity matters, of course; but not to be imputed on the political objectives of electioneering and certainly not so the whole of Texas can inherit the reckless endangerment of identity theft and undue or unreasonable complication to daily living at the EXPENSE OF ALL TEXANS.

I exhort you to completely decouple the prospect of adding the Federal Real ID act as a legislative crutch for what the Texas legislature is completely competent to decide and arbit independent of the federal REAL ID ACT.

The regulations are both expensive + redundant in each where very few benefit with the exception of a few technology corporations who won't keep their money in Texas. I speak solely to the opposition of the REAL ID ACT as a tool to coerce an action from STATE lawmakers on VOTER ID.

EXHIBIT 2  
JA\_004296

SHEILA DEAN

ELLAMANDA TFA/ANALYST/ANALYST



National Association for the Advancement of Colored People  
P. O. Box 460944  
Garland, Texas 75046  
(972) 381-5044/FAX (972) 733-7637  
Website: [www.garlandtxnaacp.org](http://www.garlandtxnaacp.org)  
Email: [www.garlandtxnaacp@garlandtxnaacp.org](mailto:www.garlandtxnaacp@garlandtxnaacp.org)

Testimony before Texas Legislature (Senate) – Proposed Voter ID Bill (SB 362)

Tuesday - 3/10/09

Name: Billy J. Williams

Address: 617 San Carlos Drive - Garland, Texas 75043

Texas Senatorial District 2: The Honorable Bob Duell

Texas resident and active registered voter (In Texas) since 1970.

Dallas County Deputy Registrar since 15+ years

President, NAACP Garland Branch

Registered voter since age 18.

*sect. 5, CRA*  
*\* 25 yrs. experience as observer (Federal)*

Statement: Ladies and gentlemen of this esteemed legislative body, thank you for this opportunity to appear before you today. Specifically, to my elected representative to the Body, The Honorable Bob Duell.

*(Registering a record number of new voters due to character, qualifications and charisma of Presidential candidates not ID Requirement.) - TGISD H.S. - DCCD Campuses*

Medgar Evers, then NAACP Field Secretary (shot down in his own driveway for registering Black voters in Mississippi) as he prepared for another crusade to dismantle walls of voter suppression and intimidation: "I don't know if I am going to heaven or hell, but this morning I am going to Jackson." Well, in that same spirit when I this proposed bill: I said to myself in the spirit of Medgar Evers: "I don't know if I am going to heaven or hell, but I am going to Austin today."

44 years and 3 days after "Bloody Monday" when thousands of Americans (mostly African-Americans) in quest for the God-given and inalienable right to vote, faced vicious dogs, fire hoses and angry mobs (which included law enforcement) as they attempted to cross the Edmund Pettus Bridge in Selma, Alabama, I come here to voice the strong and unwavering opposition to the passage of HB 81/SB 362. Despite the expressed intent of this Bill by its author/sponsor's "...current Texas Election procedures (County issued Voter Registration Certificates) leaves a potential for loophole for fraud. Because of this, it is possible for an "unscrupulous individual" to submit several voter registration applications and to receive the voter registration certificates for the "fake" individuals. Further, with the current process, no statutory standards exist to verify the identity of individuals at the polling place when they present a voter registration certificate."

The author's/sponsor's assertion and intent is without fact or supportive data, and is misleading on its face.

Ladies and gentlemen, I hold up before you three documents that currently serve as the pathway for voter registration, participation and education:

1. Texas Voter Registration Application (Properly administered, processed and monitored by County Voter Registrars). No Requirements: Section 5 (DOB); Section 8 (Texas Driver's License or Personal ID or if no Texas Driver's License or Personal ID give last 4 digits of SSN).
2. Section 9: Penalty for false information or perjury.
3. ID Requirements (reverse side).
4. Voter Registration Certificate (Point out each block and signature requirement).  
Provision for voting without Voter Registration Certificate
5. Texas Voter's Guide (Issued by the Secretary of State)
6. As taxpayers, I and our membership strongly object to paying the cost reprinting and redistributing these documents.
7. This Bill is bad <sup>public</sup> policy aimed at producing a "chilling effect" on Texas voters, especially new voters, senior citizens and racial/economic minorities.

*HAVA requires meet  
1st time voters  
present photo ID  
or other specified  
forms of ID.  
They are identified  
as 1st time voters  
on official ballot  
\* P. David  
2008  
2010  
2012  
Prohibited  
Section  
Loss of  
Voter Confidence!*

8. It is a "fathom at the opera" tactic to address a "fathom statutory deficiency that does not exist."

9. *What are the budgetary implications of this bill? Cost training, printing, publicity, etc.*  
Closing:

Voting Rights Act, adopted initially in 1965 and extended in 1970, 1975, and 1982, is generally considered the most successful piece of civil rights legislation ever adopted by the United States Congress. The Act codifies and effectuates the 15th Amendment's permanent guarantee that, throughout the nation, no person shall be denied the right to vote on account of race or color. In addition, the Act contains several special provisions that impose even more stringent requirements in certain jurisdictions throughout the country.

Voting Rights Act, adopted initially in 1965 and extended in 1970, 1975, and 1982, is generally considered the most successful piece of civil rights legislation ever adopted by the United States Congress. The Act codifies and effectuates the 15th Amendment's permanent guarantee that, throughout the nation, no person shall be denied the right to vote on account of race or color. In addition, the Act contains several special provisions that impose even more stringent requirements in certain jurisdictions throughout the country.

Have you, your parents or your grand parents ever showed up to vote and were asked this questions:

- How many bubbles are there in a bar of soap?
- How many blades of grass are there in a bale of hay?
- Can you show me a copy of your "paid in full" poll tax receipt?

I am sure that for 95% of you, the answer would be no! Well, my answer is yes. These and other forms of voter intimidation and suppressions that I observed a teenager are forever etched in my in memory and spirit. Final point: Too many motorists/pedestrians are killed and/or injured on Texas highways by drunk drivers in Texas each year. However, this body has not passed legislation requiring that DPS and other law enforcement agencies administer sobriety tests to every motorist stopped for whatever the reason.

Why not? Because such a state imposed public policy would stripe local law enforcement of "discretion" needed to properly do their job at the point of contact. The same is true for this bill, if passed. Imposing this bill on local Election officials can also be compared to spraying the entire Master's Augustus golf course with weed killer when the only weeds sighted are around the 10<sup>th</sup> green!

As a duly registered and active voter in Texas since 1970 and in Louisiana prior to that time, I resent having the State using this shotgun approach to address a not yet validated widespread systemic problem. As a Texan (voter and taxpayer) who understand the perona nature of politics, I am tired of elected officials who try to change the rules of game, just because they don't like the outcome.

Effective leadership is not only doing the right thing, it also means doing things right! Provide more opportunities, not barriers to Texans to exercise this most fundamental rights and responsibility of our democracy – the right to vote without fear or intimidation, whether covert or overt! Do not pass this bad public policy, whose intent is driven by politics and not by the will of the people! In the spirit of Medgar, Martin and Malcolm we stand firmly in opposition of this bad public policy.

We are tired, but not weary! Do the right thing, because it's the right thing to do! Vote "NO" on SB 362.



Skipper Wallace  
Texas Republican County Chairman's Association  
Legislative Chairman  
PO Box 886  
Lampasas, TX 76550  
512-556-6624  
March 10, 2009

RE: SB 362

Position: I Support this Bill

Mr. Chairman and members of the Senate, it is an honor to be allowed to appear before you today on such an important occasion.

Since the days of land slide Lyndon and the questionable votes that were cast for him in 1948 in South Texas, we have had a very colorful history of our elections in Texas.

Ballot security and integrity of the voting process encourages voters to make the effort to go out and vote because they know their vote will count.

The U.S. Supreme Court clearly recognizes the value in securing the integrity of elections when they said, "Confidence in the integrity of our electoral processes is essential to the functioning of our participatory democracy. Voter fraud drives honest citizens out of the democratic process and breeds distrust of our government. Voters who fear their legitimate votes will be outweighed by fraudulent ones will feel disenfranchised. (Purcell v. Gonzalez, 549 U.S.-- 2006)

A recent article in the Washington Times Published January 22, 2008 states: "Two-thirds of Americans, including a majority of racial and ethnic minorities, say the government should make voters show photo identification before voting, according to a new Fox 5/Washington Times/Rasmussen Reports survey. Support for the concept is overwhelming," said Scott Rasmussen, who conducted the poll, taken Jan. 16 and 17 of 1,000 adults. "What this number suggests to me is, it sounds like common sense in a society where you have to show ID to do just about anything."

The Rasmussen report shows that overall, 67 percent say they support requiring photo identification, and that support runs high across all demographic groups. More than three-fourths of Republicans supported showing identification, as did 63 percent of Democrats and independents. And 58 percent of blacks, 69 percent of whites and 66 percent of other ethnic or racial minorities backed the concept.

On April 28, 2008, the U.S. Supreme Court upheld Indiana's photo identification law with a 6 to 3 ruling in *Crawford v. Marion*. The majority opinion, authored by Justice John Paul Stevens, invalidates volumes of spurious claims made by opponents of photo identification requirements, forever memorializing their constitutional weightlessness.

The Court ruled "the universally applicable requirements of Indiana's voter-identification law are eminently reasonable." Justice Scalia, in a concurring opinion, refers to the burdens of photo identification as "minimal and justified."

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**"The Supreme Court also ruled that for the few voters without identification, the burden of obtaining one (for free under Indiana's law), does not qualify as a substantial burden on the right to vote."**

**The Supreme Court decision clears a major hurdle for Texas legislators to pass a photo identification law which helps address the vast potential for fraud that is evident.**

**Requiring photo identification to vote in Texas elections is a simple and common sense election integrity measure, especially since so many Texans currently hold a Texas driver's license.**

**The office of the secretary of state reports that there are 12.7 million registered voters in Texas as of the March 2008 primary elections. According to the Department of Public Safety, there are more than 14 million valid Texas driver's licenses and almost another 4 million valid Texas ID cards issued to Texans over age 18. Currently, there are 5.3 million more government-issued identification cards possessed by the voting age population than there are registered voters. You can do the math, not many folks don't already have an ID.**

**The Supreme Court also rejected the argument that photo identification is a partisan ploy aimed at admitting access to the polls. Justice Stevens cites the bipartisan Commission on Federal Election Reform, led by President Carter and former Secretary of State James Baker, which issued 87 recommendations for ensuring equal access to elections and election integrity. The Carter-Baker Commission recommended that states require photo identification at polling places.**

**Having been an Election Official for over 17 years, I can tell you from personal experience that it is very difficult to prove voter impersonation. Unless the Election Judge or Clerk has personal knowledge that the person requesting to vote is not who he says he is, then it is almost impossible to verify the identity of the voter even in small rural counties.**

**The democrats main argument against voter identification is that it is so inconvenient for the elderly and handicapped to get an ID. I have an 86 year old mother and a handicapped brother who cannot do anything for himself except breath, and talk. They both have ID's. I asked how hard it was to get an ID. They said that the biggest problem was getting to the DPS office. They also said that having the ability to vote was far more important than any inconvenience they had to go through.**

**Let's put the confidence of the people back in the voting process by using an ounce of prevention instead of a pound of cure to improve our election system in Texas.**

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My name is Paul Gebolys. I am a resident of Montgomery County.

I have been an election worker and an election judge since 2002, so I speak today not as an academic expert but as one of the thousands of election workers in the actual trenches who will be obligated to enforce the rules that you enact. I also have been an educator of voters both at the polls and volunteering to educate voters on the new voting machines when adopted by Montgomery County.

Expert witnesses have alluded to the additional burdens that this bill would place on election workers. I find in this bill, no burdens beyond those we are already privileged and obligated to perform each election day as we get to the polls before sun up and usually work well into the evening, driving to the county seat to deliver the ballots.

Criticisms heard today that our dedicated and well trained poll workers would be so easily overwhelmed, I find to be a , hopefully unintended, insult to our years of professionalism. We have even handled the increase of provisional voters that past changes in the law brought us to the extent that one voter that we had to tell that his provisional vote would not likely be accepted, turned into a poll worker at our voting location for the following election.

More important than our duties ore yours to guarantee to the voters of Texas an accurate count of their votes without the shadow of fraud.

No matter how rare - as it was pointed out on the floor earlier today- being hit by lightening is, it is a memorable event. So also, the first time a voter feels that his or her vote has been cancelled by a fraudulent vote, part of their faith in the democratic system dies.

In the Crawford -v- Marion County decision, Justice John Paul Stevens, wrote that despite "finding no instances" of fraud, he and the 6 to 3 majority upheld the even more stringent voter ID law of Indiana. So having a history of voter ID fraud is not required for you to do your duty. In Texas it has long been known that you don't need to wait for your horse to be stolen to be intelligent enough to padlock your barn door.

Please do the right thing. Please be pro-active. Please prevent the chance of voter ID fraud.

It is your duty to protect the integrity of this and future state governments by doing everything you can to guarantee the integrity of our elections in Texas. For if you do not do this, any party holding the majority in the future will have their election mandate undercut, because the confidence of the Texas voters will be diluted.

When the voter have lost faith in the integrity of the ballot box as an honest tool of democracy, they may turn to methods unimaginable and unacceptable to all who cherish civil and stable government.

Paul Gebolys  
14 Pineash Court  
The Woodlands, Texas 77380

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Thank you for this opportunity to express my viewpoint about a proposed voter ID requirement. I have 3 main concerns.

First, I believe that this is a solution in search of a problem. I can find little evidence of voter fraud problems in Texas. I wonder why this is a concern when we have obvious problems such as a high dropout rate, a huge prison population, threats and murders from drug cartels south of the border, budgetary constraints that will demand all our thoughtful innovation and skill.

Second, I am a pragmatist by nature and seldom find ideology useful, but I remember a time in Texas when our elected officials tended to adhere to a more noninterventionist ideal. Legislate only when necessary. Especially when the capital "R" is behind your name. I liked it when the government had fewer mandates over us. Now we even have to take a class to get married or we're penalized.

My third concern is that this ID requirement will primarily affect the older people I know and people like my daughter who have a disability. Please do not place new barriers, even subtle ones, upon the people who face many barriers each day.

My last comment regards the rule change from a 2/3's vote to a simple majority. In my religious tradition, decisions and policy are to be made "decently and in order" (you Presbyterians will know what I'm talking about). This change in the rules appears, and probably is, a strictly partisan move that I find very out of order. I would respectfully admonish you to keep your higher purpose at heart.

Thank you very much for your attention.

**Glenda Dickinson**

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**TESTIMONY OF GILBERTO HINOJOSA REGARDING PROPOSED VOTER ID  
LEGISLATION**

MR. CHAIRMAN AND MEMBERS OF THE SENATE:

WHEN I WAS GROWING UP IN SOUTH TEXAS AN ALMOST SURE WAY TO DISCOURAGE YOUNG *NINOS*, CHILDREN, FROM DOING THE THINGS THAT *NINOS* LOVED TO DO WAS TO RAISE THE SPECTER OF “EL CUCUT”, OR THE *BOGEYMAN*. OUR MOTHERS OR OUR *TIAS* WOULD WARN US THAT IF WE DID SOMETHING THAT THEY DID NOT WANT US TO DO, “EL CUCUT” WAS GOING TO GET US. IF WE WOULD GO OUT AT NIGHT TO PLAY AT THE SCHOOL GROUND, “EL CUCUT” WAS THERE. OR, IF YOU DIDN’T DO YOUR HOMEWORK, “EL CUCUT” WOULD EAT YOU. IT MOSTLY WORKED BECAUSE IN OUR YOUNGER YEARS WE WERE CONVINCED THAT THERE *WAS* A “CUCUT” OUT THERE IN THE NIGHT WAITING TO DO ALL SORTS OF HORRIBLE THINGS TO US. .

OF COURSE, “EL CUCUT” WAS A MYTH CREATED BY OUR PARENTS AND ONLY *EXISTED* IN THE MINDS OF THE CHILDREN WHO WERE FRIGHTENED BY IT, IT WAS CREATED BY OUR PARENTS WITH THE SPECIFIC DESIGN TO *SCARE US - AND TO CONTROL US*.

THOSE WHO ADVOCATE THIS VOTER ID LEGISLATION HAVE CREATED A “CUCUT”, A BOGEYMAN, WHICH THEY CALL *VOTER FRAUD* IN ORDER TO ATTEMPT TO CONVINCe LEGISLATORS OF GOODWILL TO SUPPORT A BAD BILL. A BILL THAT IS UNNECESSARY AND WILL ONLY DO HARM. LIKE THE INFAMOUS “CUCUT”, VOTER FRAUD IN THE FORM OF *VOTE IMPERSONATION* - THE FRAUD WHICH THE VOTER ID BILL SEEKS TO ADDRESS - IS *NON-EXISTENT*. SURVEYS

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ACROSS AMERICAN, AND IN THIS STATE, SHOW THAT INSTANCES OF INELIGIBLE VOTERS VOTING OR ATTEMPTING TO VOTE THROUGH VOTER IMPERSONATION ARE RARE, AND IN MOST AREAS OF THE STATE, SUCH AS THE RIO GRANDE VALLEY, UNHEARD OF. STATISTICALLY, WE ARE MORE LIKELY TO BE HIT BY LIGHTING. OR BETTER YET, WE ARE MORE LIKELY TO ENCOUNTER "EL CUCUT" IN A DARK ALLEY OR STREET.

WHAT WE DO KNOW, HOWEVER, IS THAT A VOTER ID BILL WILL SERIOUSLY DISCOURAGE VOTER TURNOUT AMONG MINORITIES SUCH AS HISPANICS AND AFRICAN-AMERICANS, THE ELDERLY AND LOW INCOME PEOPLE. AMONG HISPANICS ALONE, IT ESTIMATED THAT THERE WILL BE A 10% DROP IN VOTER PARTICIPATION IF THE LEGISLATION PASSES - SOME EXPERTS SAY UP TO 15%. IT ALSO DISPROPORTIONATELY EFFECTS WOMEN. WOMEN ARE MORE LIKELY TO NOT HAVE A DRIVER'S LICENSE THAN MEN - THE PRIMARY FORM OF ID THAT WILL BE REQUIRED.

MINORITIES AND LOW INCOME PERSONS ALSO HAVE A GREATER LIKELIHOOD OF CHANGING ADDRESSES THAN OTHERS. IN FACT, IF THERE EVER WAS A TIME THAT THIS IS A TERRIBLE IDEA IT IS *NOW*, WITH THE HUGE NUMBER OF MORTGAGE FORECLOSURES AND JOB LOSSES IN OUR COUNTRY. CITIZENS HAVE LOST THEIR HOMES OR HAVE BEEN FORCED TO MOVE BECAUSE OF JOB LOSSES. UNDER THIS LAW, THEY SUFFER THE POSSIBILITY THAT THEIR ABILITY TO VOTE WILL BE CHALLENGED BECAUSE 1) THEIR DRIVERS LICENSE OR OTHER ID DOES NOT CORRESPOND TO THE ID IN THEIR VOTER REGISTRATION CARD, AND 2) BECAUSE THEY SIMPLY DON'T HAVE THE MONEY TO GO FILE A CHANGE

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OF ADDRESS APPLICATION WITH THE DRIVERS LICENSE BUREAU! IT IS SIMPLY WRONG TO FURTHER SUBJECT TEXAS CITIZENS THAT HAVE SUFFERED FROM THE INDIGNITY OF LOSING THEIR HOMES AND THEIR JOBS TO DENY THEM THE RIGHT TO VOTE BECAUSE OF A LAW WHICH ALLEGEDLY SEEKS TO RIGHT A WRONG *THAT DOES NOT EXIST*.

NO. I WENT TO TOO MANY FUNERALS OF SOLDIERS IN THE RIO GRANDE VALLEY WHO DIED FOR OUR NATION'S CAUSE IN IRAQ AND AFGHANISTAN. AS A TEENAGER AND YOUNG MAN, I SAW IN THE NEWSPAPER THE PICTURES OF TOO MANY YOUNG MEN FROM SOUTH TEXAS WHO GAVE UP THEIR LIVES WILLING TO FIGHT FOR THEIR COUNTRY IN AN UNPOPULAR WAR IN VIETNAM. GARCIAS, LOPEZ', TREVINOS, MARTINEZ' AND MENDIOLAS. THERE ARE *MORE* MOTHERS, WIVES AND CHILDREN IN THE RIO GRANDE VALLEY WHO GAVE UP THEIR LOVE ONES FOR THIS RIGHT THAT WE INSIST UPON TODAY - MORE THAN ANYWHERE ELSE, PER CAPITA, IN THIS COUNTRY. THAT RIGHT IS ONE THAT ENSURES THAT THIS DEMOCRACY THAT WE ALL LOVE IS A TRUE DEMOCRACY THAT GIVES ALL OF OUR CITIZENS - WHETHER THEY ARE WHITE, BLACK, HISPANIC, OR ASIAN, RICH, OR POOR, YOUNG OR OLD - THE RIGHT TO CHOSE THOSE WHO WILL LEAD THEIR NATION. TO CHOSE THOSE WHO WILL MAKE THOSE CRITICAL DECISIONS THAT EFFECT THEIR LIVES, AND THOSE OF THEIR CHILDREN. THE DECISIONS TO GO TO WAR, *OR NOT*, TO ENACT LAWS THAT PROTECT THEIR JOBS, TO PROVIDE HEALTH CARE AND GOOD SCHOOLS FOR THEIR CHILDREN.

THERE IS NO "CUCUI" HERE. THERE ARE ONLY GOOD HARD WORKING *GENTE* , PEOPLE, WHO CARE DEEPLY ABOUT THIS COUNTRY AND SIMPLY WANT

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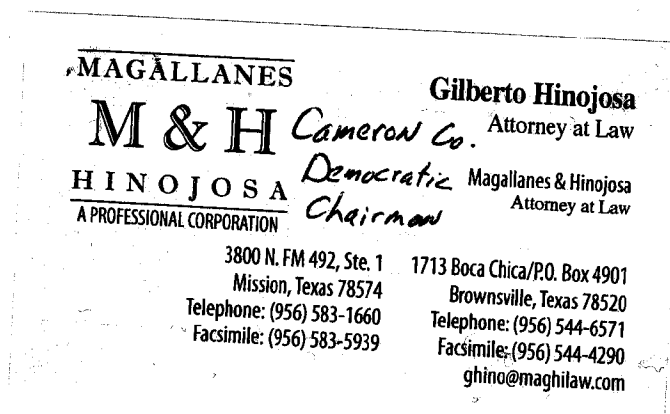
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TO BE PART OF WHAT HAS MADE IT SO GREAT. PLEASE DON'T ENACT THIS LAW.

IT'S A BAD LAW, IT IS UNNECESSARY AND IT WILL HURT MANY GOOD,

HARDWORKING, PATRIOTIC AMERICANS. THANK YOU.

*Gilberto Hinojosa*  
3-10-09



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**Regarding Senate Bill 362    Written Testimony only 3/10/2009**

Distinguished Senators,

My name is Elaine Henderson and I have written this to explain my opposition to the implementation of a requirement for a photo ID from particular Texas and/or US government agencies in order to vote.

One, I'm sight-impaired. Macular Degeneration is becomming widespread in Texas and once one cannot pass the driver's eye test, many people will simply not have the means to travel to the DPS to get an ID. When I got my first ID, it came with an error on it. They had printed on it that I was very short, which I am not. This meant my husband, bless him, had to drive me there again, some 60 miles, and some weeks later, I had an ID. Many people don't have someone to drive them.

Second, in the past I worked at the polls and found that the clerks have a lot of things to check on the voter lists; and, it is already required to present ID or a utility bill, etc. at the polls if one has registered for the first time in Texas by mail. This new ID check for all voters will slow down the voting process, and those people who have come from work at four or five PM may have to stand in lines to vote for a very long time This bill would discourage voting.

Third, I am aware that this kind of measure was passed and implemented by the .Georgia legislature, and as a Texan for more than 35 years, I believe Texans are better than that. I recently saw a book about "Faith in Texas" with beautiful churches of every kind, from Cathedrals and Painted churches, to Mosques, storefronts and Jewish Temples. There was even the reverent cowboy on his horse. The book's author declared that Texans have strong faith traditions and in all of them - a strong belief in the dignity of every person. "Texans generally try to follow the Golden Rule".I agree that most also have a strong sense of fair-play. So please don't be petty. Respect all the people you represent. Vote NO on SB362.Thank you.

Respectfully submitted,

*Elaine M. Henderson*

Elaine Henderson  
6302 Camille Ct.  
Lago Vista, TX 78645

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**I urge you to vote against SB362.**

Why create more barriers to voting or increased costs to those who must pay for documents to meet the requirement of a photo ID? If you do not intend to pass on this cost then you must be willing to pick up the tab. Do intend to pass this cost along, why? Is this fair? Is this not just a new form of poll tax? Is that where we have arrived in the Texas of 2009?

Or are you really willing to incur greater cost for a program for which there is no evidence that there is a problem? Of all the millions who vote in Texas; how many cases of Voter Fraud have been found or prosecuted? How much of our limited resources are you willing to expend for a non-problem? I can think of plenty of better ways to utilize our funds.

This movement smacks of efforts to suppress the votes of those who can least afford to meet the requirements; who just happen to be more likely not to vote Republican.

It is time to discontinue the sponsorship of Bills such as this. These types of bills just tear our Texas apart rather than unite us in efforts to make us better.

Please vote against SB 362.

Sincerely,

Zada True-Courage  
1938 Broken Oak St.  
San Antonio, TX 78232  
Senate District 25

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**Testimony  
Submitted by**

**Shirley Lindsey  
League City, Texas**

TO: Texas Senate

The most important issue here before us all is preventing voter fraud. This is the reason why I have been here all day long to support SB 362.

The suspicious activities of the ACORN organization has brought the possibility of voter fraud to the forefront in a very alarming way, just how fragile our protection against voter fraud is.

Voter integrity is the security to our Republic system. Confidence that my vote has not been taken back by an illegal vote is what keeps me voting in our elections.

All citizens of America need to know that our vote does indeed count. Requiring all voters to have ID's to prove that there vote is to be counted is not something that any of you should be against.

If you vote against SB 362 then that tells me that you are taking voter fraud too lightly and that you do not care. Texas citizens will not forget the message you have sent to us by voting against voter ID requirements.

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**Marcia Mainord**

**903-461-1261**

Senator Duncan and Members of the Senate.

It is an honor to be here and speak today.

I am Marcia Mainord from Greenville. As a former precinct and county chair for Hunt County, I have always appreciated the voters. We have had, what I considered, a poor turnout across Texas for most of my political life. The '08 election was a **breath of fresh air!** I remember when the "Motor Voter Bill" was passed that our Congressman, Ralph Hall, supported and voted for the bill with a public statement of the importance of bringing in new voters. While I do not generally agree with Congressman Hall, he has my respect for that vote. Voting stats in our Great State of Texas still reflect low turnout. The stats from the Secretary of States Office for the '08 Election, show Texas had 4,674,612 registered voters that **did not vote** in this, a much improved election year. Hopefully that improvement can and will continue.

In Texas, we have, in my opinion an honest election. Despite spending millions on a 2005-2006 Voter Fraud crusade, Texas

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Attorney General Greg Abbott did not find or prosecute one case of voter impersonation. Even the national stats show very few successful prosecutions of fraudulent voters. A national five year effort by the Bush Justice Department netted only 86 prosecutions from 2001-2006. There will always be the unscrupulous person, somewhere out there, who will get around **any** Law that we can pass regarding voter fraud. But I wish to **emphatically** contend that Texas **does not** have a problem with fraudulent voting.

My concern is that SB 362 will make voting more difficult for the elderly and other less public persons. There are a lot of folks out there who may not drive and who do not have the same public involvement as you and I. There is an ever increasing number of women who must deal with the trauma of divorce, relocation and legal name change in our state. And by the way, I am Past President of Texas Democratic Women and have been through a divorce. I have personal experience on these issues. I come from rural East Texas and we have different ways of living than the more urban residents. We don't want to make it more difficult for our folks to vote. I think we should be **encouraging** **all** legal voters to go to the polls and **exercise** their right to vote.

Finally , I think the amount of tax dollars that this program will absorb will not be well spent. The drop out rate for our high schools needs to be addressed, along with many other issues. Let's use these funds for public education, to improve our roads, and improve the quality of the air we breathe.

And lastly, I wish that **each** and **everyone** of you could have the experience, as I have, of serving your community as an election judge or worker. I feel that you would then have a better understanding of the position that many newly enfranchised citizens experience. We **do not need** to add more confusion at the voting box. Our election workers already contend with confused and sometimes disgruntled voters. This proposed law will make it worse.

Thank you so much for your time.

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## OPPOSITION TO SENATE Bill 362

Date 3/10/2009

My name is Arthur Resa.

I am the Democratic Party Chair for Bell County and I am here to oppose Senate Bill 362 and wish to inform you why you should oppose Senate Bill 362.

As County Chair for the last four years, I have personal experience with the numerous issues that voters encounter during primary and general elections. Issues range from cramped voting locations, wrong ballots, shortage of ballots, lack of well trained poll workers, and voter intimidation by misinformation. I know this is neither the time nor place to address all these issues. But I do want to address my experience with voter intimidation by misinformation.

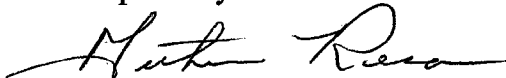
Voter intimidation by misinformation can be broken down into two areas:

First is the shortage of well trained judges and election workers who can make the voting process run smoothly. Some judges and workers grudgingly work the polls because no one else will, and some fail to keep up their election skills by working too few elections. This lack of election skills can and has lead to control issues against voters and co-workers at some polls. Introducing Voter ID as part of the voting process is nothing more than a tool of opportunity to disenfranchise voters.

Second is lack of voter education. This is a major problem for first time voters and voters who skip one or more years before voting again. Bell County has a unique need for voter education. Our county is home to Fort Hood, the largest military base in the free world. Many of our military families are young and first time voters, and some bring voting experience from other states. I believe Voter ID could disenfranchise our military and veterans to vote. This would be tragic when American Soldiers have died on the battle fields of Iraq and Afghanistan to allow the people of those two nations the right to vote!

In closing I am certain that if Senate Bill 362 is allowed to pass it will create confusion and obstacles to voting, it will create more opportunities to disenfranchise a broad spectrum of voters, either consciously or unconsciously. The idea that illegals vote is false, current procedures allow for only registered voters to vote in Texas. Voter identities are proven before they were put on the list of Registered Voters. In my four years as County Chair I am not aware of any illegal voting or attempt to vote illegally, nor does my predecessor in Bell County. In this great state of Texas we should be looking for opportunities to encourage people to vote and feel confident doing so.

Respectfully Submitted:



Arthur Resa, Chair  
Bell County Democratic Party

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Testimony  
Senate Bill 362

March 10, 2009

Enrique Flores, Jr., President  
UAW Local 276  
State President, Texas Labor Council  
for Latin American Advancement

Thank you for allowing me to address this body. I believe this bill would be a big step backwards for Texas and society as a whole. You have heard repeatedly in earlier testimony of the many ways this bill would deny Texas citizens their constitutional right to vote. Examples of voters such as students, minorities, the elderly and disabled were given as those who will be negatively impacted by this bill.

Earlier testimony established that millions of tax-payer dollars were spent investigating possible voter fraud and produced no convictions. Requiring Texas citizens to spend money to satisfy the requirements of this bill is the same thing as instituting a "Poll Tax" on the citizens of Texas.

I'm sure you will all remember a few short years ago the images broadcast around the world of the first post-Saddam Hussein elections. The world watched as Iraqi citizens held up their ink-stained fingers signifying they had voted. Those elections were made possible by the bravery and sacrifice of our servicewomen and men. They fought and many died defending the ideal of fair and democratic elections. We send our women and men to fight and die for fair elections around the world, but here in Texas we are in danger of losing our basic constitutional right to vote freely.

I ask you to remember all those who have fought and served to protect the ideals of fair democracy and vote "No" to Senate Bill 362.

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Testimony: Jennie Lou Leeder

Date: March 10, 2009

Against Senate Bill 362

The 2000 Census states that in the City of Llano, Texas there is a population of 3,325. Of that 22% are 65 years of age and older. In Llano, Texas there are 100 females age 18 years and over for every 83.1 males. That 10.2% of the population is below the poverty line.

This may not sound astounding to you, but as a resident I am concerned. According to the US Census Bureau, women are more than two times as likely as men to not have a drivers' license. That one of every five senior women do not have a license. The 2006 study by the non-partisan Brennan Center for Justice sited that 18% of Americans age 65 and older did not have a photo ID. If you look at my town's demographics you will see reason for concern. How would the residents of the assisted living, nursing homes and other living facilities meet the requirements in SB 362 to vote?

Would my town have adequate representation at the polling locations in regards to the age 65 and older, women and lower income voters if SB 362 were passed into law? Would the missing votes be enough of a difference to have an affect on the out come of the election? If you look at the 2000 Presidential Election in the state of Florida, then the answer would be, yes.

Therefore, I must respectfully request that you vote NO, against the passing of Senate Bill 362.

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Summary of Testimony by Dee Simpson, Texas Senate Committee of the Whole SB 352,  
March 10, 2009

My name is Dee Simpson, Texas Legislative and Political Director for AFSCME  
Mr. Chairman and Members of the Senate.

I have been working with the Texas legislature as an advocate since 1981. I think all of us, whether we are elected or whether we are advocates; have our own version of misplaced priorities each session. Today there was a news bulletin concerning a report released yesterday saying Texas had the most homeless children of any state in the United States. I find it ironic that today we consider this priority item that will undoubtedly make it harder for the parents of these children and the communities in which they live to be fully Texan. For others it is but another obstacle toward participating in the community's affairs. For this legislature it might be its legacy.

**Studies uphold that Voter ID Laws Don't Fix A Problem and Make Another One Worse**  
Voter ID laws suppress turnout-especially among the elderly, African American and Hispanics because the working poor and senior citizens are less likely to have a photo ID or the time or the ability to get one. A study by the NYU Law School found that 45% of African Americans have no government-issued ID, nor do 18% of seniors 65 and over or 15% of those who earn less than \$35,000/year.

There is no end to the available research to testify to the negative effects of Voter ID on targeted groups. Needless to say those made recently homeless even if registered no longer have a valid registration much less the ability to produce many of the documents necessary to satisfy this law's demands. For a state noted less for voter fraud than poor administration of the one's it has, this legislation adds to not only the burden of some of its citizens, but to the state's reputation and legacy.

As someone who has worked on elections in Texas for over 40 years with exactly these targeted groups, I have seen first hand the difficulty of getting people to order the demands of life in order to get to the polls and vote. To place a bureaucratic burden on them and their local election officials seems like a priority that comes from an old Texas political nightmare we should have left long ago.

The question of political priority remains. Given the cry of "voter fraud" by certain political operatives, consultants and elected officials, the Justice Dept under former President Bush found 86 out of 275,000,000 ballots cast between 2001-2006 to be fraudulent. Perhaps we should examine our motives for this being made a priority when our people are losing jobs, some their homes, and sometimes they have kids that need your real time and attention. If we don't examine our priorities history and voters will.

Thank you

**American Federation of State, County and Municipal Employees, AFL-CIO**

TEL (512) 477-9181 FAX (512) 477-9181 7901 Cameron Road, Bldg. 2, Suite 300, Austin, Texas 78754

Testimony  
Of  
Rosario Alvarez  
Senate Committee of the Whole  
March 10, 2009

Good Day

My name is Rosario Alvarez; I reside at 711 Hunstock, San Antonio. I am a member of Laborer's Local Union number 1095. I have been employed by Granada Homes, Inc. for 10 years.

I want to thank you for the opportunity to present my testimony before Senate of the State of Texas.

I am opposed to any legislation that would add additional identification requirements before I would be allowed to vote.

First, I must tell you how I got here. I came to the United States in 1980 to earn some money to help my family. I had the fullest of intentions of returning to my home. But, life has twists and turns that are unforeseeable. I started school, found employment, married and today, I am a proud Grandmother.

The U.S. Customs & Immigration Service have many documents that identify who I am, The U.S. Department of State has as much information concerning who I am, and I became a United States citizen. Additionally, I completed an application for Voter Registration that was accepted by the County of Bexar. My first opportunity to vote was for President Obama.

How many more hoops do you want me to jump through before I can vote, again?

I do not understand, if the intent of the legislation is to stop voter fraud, then why has the Attorney General of the State of Texas not made an example of at least one of these bad people. Surely there must be thousands out there waiting to be prosecuted.

I am confused as to the type of Identification that would be required. I say this because Granada Homes, Inc. is a project specifically for elderly



persons. I know many of our residents walk to the Bexar County Courthouse to vote. They do not own a vehicle to have a driver's license. So, will they be turned away from the voting booth because they do not have a driver's license? Will their bus card do?

Another Voter I.D. will detour many people from voting. Possibly, the Senate should appropriate additional funds for each County government to do a more thorough job of screening Voter Registration Applications. In closing, I want to express my deepest opposition to any legislation that would place another hurdle in front a person's ability to vote.

Thank you for your time, I have copies of my testimony if needed.

Rosario Alvarez

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## Common Cause Texas

603 West 13th St.  
Suite 2D  
Austin, TX 78701

March 07, 2009

The Senate Committee of the Whole  
Texas State Senate  
P.O. Box 12068  
Austin, Texas 78711-2068

***Re: Submitted Testimony for Common Cause Texas in Opposition to S.B. No. 362***

Dear Committee Members:

As Texas' oldest advocacy organization devoted to open and accountable government, we are intently interested in making government work fairly and in a manner that preserves the cherished rights of its citizens. Consequently, the State Board of Common Cause Texas has voted unanimously to strongly oppose Senate Bill 362.

When considering any change to the law, legislators—in similar fashion to the Hippocratic Oath—ought first resolve to commit no harm. While many may offer strong legislative measures to correct various infirmities, we must always ask if the cure prescribed may cause more harm than the alleged problem. Unfortunately, this is clearly the case with the proposed Senate Bill 362.

**Senate Bill 362 imposes unnecessarily stringent requirements for identification on anyone seeking to cast a ballot.** The justification for these requirements is the prevention of instances of identification fraud. In point of fact, the Attorney General of Texas has never prosecuted a single case of identification fraud—a voter impersonating another voter at the polls. There is no ongoing history of widespread or even sporadic fraud of this nature in Texas elections. More simply, this is a case of a solution in search of a problem.

**Secondly, the imposition of strict photo identification on the casting of the ballot imposes a disproportionate burden on the poor, minorities, the disabled, and even women voters.** The non-partisan Brennan Center concluded in a 2006 study "Citizens Without Proof" that 18% of citizens 65 and over, 25% of African American citizens, and 15% of voters earning under \$35,000 per annum do not possess government-issued photo identification.

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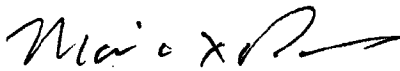
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**Additionally, the requirement of photo identification fails to provide an accurate check on the identification of the bearer.** The Brennan Study further shows that fully “ten percent of voting-age citizens who have current photo ID do not have photo ID with both their current address and their current legal name.” This percentage balloons to 18% for eligible citizens aged 18 – 24. Women are impacted disproportionately as so many experience changes to their legal name due to marriage and divorce.

**Finally, Senate Bill 362 has a fiscal note which is not a realistic indicator of the cost of this legislation to the State or Counties.** The Texas Department of Public Safety is prohibited from collecting a fee for the provision of a personal identification certificate to serve in lieu of a driver’s license or other governmentally-issued photo ID. However, this fails to account for the cost to the State for the provision of these certificates. The poll worker training and voter education costs also represent the very definition of unfunded mandates imposed upon local governments.

It is clear that Senate Bill 362 represents an unwise and irresponsible imposition on citizens seeking to exercise their right to vote. **This legislation addresses a problem that does not exist, with a solution that is burdensome and ineffective at its intended purpose, while imposing additional expenses to the state budget and on local governments.** We hope that good sense prevails and that Senate Bill 362 is rejected.

Respectfully submitted,



Mario X. Perez  
State Chair,  
Common Cause Texas

Laurie Vanhoose  
Member,  
Common Cause Texas State Board



## **Young Conservatives of Texas Urges Passage of S.B. 362**

Young Conservatives of Texas urges every senator to support S.B. 362 to protect the integrity of our elections.

Requiring voters to present a photo ID at the polls is a sensible and manageable requirement that will help to decrease fraud in our elections. Americans are asked to present photo identification every day; to board an airplane, to get a job, or even to rent a movie.

Opponents of voter ID proposals will claim that there has been very little recorded fraud in Texas elections and thus there is no need for this legislation. Do not let them fool you!

Currently, there is no way to know how much fraud takes place in our elections. When voters go to the polls, they are merely required to present a voter registration certificate. As long as that certificate matches the voter rolls, the person is checked off and allowed to vote. There is literally no way of knowing whether the person voting is the person they claim to be.

Additionally, the Supreme Court has consistently ruled that maintaining the appearance of legitimacy in our electoral process is just as important as eliminating real fraud. There is little doubt that Texans have lost confidence in our elections in recent years. Requiring a photo ID would not only eliminate fraud; it would help restore confidence in our democracy.

Opponents claim that the legislation would impair the voting rights of minorities and other protected classes of voters. These claims have been refuted. The US Supreme Court has determined in the case of *Marion Co. v. Board of Elections* that requiring a voter to present a government issued photo ID does not place an undue burden on their ability to vote.

YCT urges passage of S.B. 362.

*For more information about Young Conservatives of Texas or their legislative agenda, please visit [www.YCT.org](http://www.YCT.org) or contact Vice Chairman for Legislative Affairs Tony McDonald. Mr. McDonald can be reached at [tony.mcdonald@yahoo.com](mailto:tony.mcdonald@yahoo.com) or (512) 923-6893.*

## **Voter ID**

Bela Marton [bimarton@swbell.net]

**Sent:** Thursday, March 05, 2009 05:38 PM

**To:** Josh Perry

---

I support the Voter ID legislation so that only those can vote who are eligible. Please voice my opinion accordingly.

I immigrated to the US legally in 1957 arriving from Communist Hungary. It took me 5 years to gain citizenship and thereby being eligible to vote. I therefore vote as it being a privilege rather than a right. All voters should feel that way, and they should prove their eligibility to vote. I had to present my naturalization papers since a birth certificate was not available. And as you know, the naturalization document does include a photograph.

Let's keep the voter right sacred!

Respectfully,

Bela I. Marton, MSEE, PE(i)  
391-68-50 USNavy, IC-2 (E-5)  
Life Member of VFW  
Old Man by default.  
211 Lynge Drive  
Allen, TX 75013-1522  
(972) 727-5467

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TX\_00003420

USA\_00019206

## FW: Senate Bill 362

Eric Opiela

**Sent:** Friday, March 06, 2009 08:29 AM

**To:** Josh Perry

---

----- Forwarded Message

**From:** June Day <jdaytexas@yahoo.com>

**Date:** Fri, 6 Mar 2009 08:47:54 -0500

**To:** Eric Opiela <eopiela@texasgop.org>

**Subject:** Senate Bill 362

I have a previous appointment on the 10th so will be unable to go to the Capitol. However, I would like to voice my support for the bill. I will also call my Senator with my opinion. Arnold's email will be forwarded to the membership of the Caldwell County Republican Women. Hopefully, a number of them will attend.

Thank you for your efforts.

June Day, President  
Caldwell County Republican Women

----- End of Forwarded Message

TX\_00003421

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TX\_00003421

USA\_00019207

## Support SB 362 (Voter ID)

PAUL BARTON [psbarton@flash.net]

**Sent:** Friday, March 06, 2009 08:29 AM

**To:** Josh Perry

---

To Eric Opiela,

I support SB 362, the Voter ID bill. We must protect our voting booths from fraud! Last November, we heard about fraud using made-up names, deceased people's names and homeless people being paid to register under different names - ALL here in the state of Texas. We cannot allow this to happen again! There is NO excuse for this! If we can show ID to check out library materials, for club purchases or to board a plane, then we can certainly show necessary ID to preserve fair elections!

Sincerely,

Debbi Barton  
663 Meadow Park Dr.  
White Settlement, Texas 76108

TX\_00003422

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TX\_00003422

USA\_00019208



## ID Registration

mgleming@austin.rr.com [mgleming@austin.rr.com]

**Sent:** Friday, March 06, 2009 07:50 AM

**To:** Josh Perry

---

To Whom It May Concern:

I am for the bill 362 which requires people to have a proper ID. I am 72 years of age and have to show my ID all the time. I am not the least bit offended by it as I know it is for my protection also. As Americans and Texans, we should be proud to have an ID!

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TX\_00003423

USA\_00019209

## Election IDs

Henry Oramas [henryoramas@hotmail.com]

**Sent:** Friday, March 06, 2009 06:24 AM

**To:** Josh Perry

---

To Whom It May Concern,

With the amount of voter fraud around the country, with ACORN registering Mickey Mouse and the Dallas Cowboys in California, I think it is time, actually overdue, that we start using ID's to vote with. Why would anyone have a problem with this? Do you not want the elections to be honest and fair? Do you not want an outcome that represents the citizens of the United States? I urge you to vote yes on the voter ID Bill before you. I asked that you allow this Bill to come to the floor for an honest, open vote.

Sincerely,

Patricia Oramas (Spring, TX)

TX\_00003424

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TX\_00003424

USA\_00019210

Patsy Quinn [mermaid2cu@comcast.net]

**Sent:** Thursday, March 05, 2009 11:19 PM

**To:** Josh Perry

---

You most definitely should show your ID when you vote. That should be mandatory! I am **"In Favor Of"** and vote **YES** for SB362.

Patsy Quinn  
Houston, Texas

TX\_00003425

<https://mail.myhostedsolution.com/owa/?ac=Item&id=RgAAAABvUEL4w7...> 3/9/2009

TX\_00003425

USA\_00019211

## **SB362**

Ruth Peterson [r2004ann@yahoo.com]

**Sent:** Thursday, March 05, 2009 10:34 PM

**To:** Josh Perry

---

I can not be in Austin at the discussion of SB362 but I'm wondering what has happened to the people who run our Texas government and stood for honesty and integrity. We have identification in every aspect of our life to honor the fact that we are who we say we are. Only dishonest people trying to pull down the government our parents and grandparents fought to establish would object to identifying themselves in order to vote.

Its time we started standing up for whats right and honest; not what we have been told is politically correct. Let's stand up for Texas and what it has always been.

TX\_00003426

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TX\_00003426

USA\_00019212

## **I.D. to show when voting**

Christine Glass [cleaning\_queen1@yahoo.com]

**Sent:** Thursday, March 05, 2009 10:08 PM

**To:** Josh Perry

---

i am in favor of everyone having to show an ID when voting. I think this should be mandatory, This would cut down on voter fraud, and we certainly need to stop that now.

Thank you Alice Christine Glass  
1217 south Jefferson  
Abilene, Texas  
79605

TX\_00003427

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TX\_00003427

USA\_00019213

## Voter ID

Bill [surfing@swbell.net]

**Sent:** Thursday, March 05, 2009 09:44 PM

**To:** Josh Perry

---

It should be illegal to NOT provide a legal picture ID when you vote. I am a citizen of the United States with a legal ID and I VOTE. I will not vote for or support any candidate for public office who does not support the requirement for providing a legal picture ID for voting. In my opinion only anarchists would not support this requirement.

Bill Burchard  
San Antonio, Tx

TX\_00003428

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TX\_00003428

USA\_00019214

## **SB 362**

Pamela Kaiser [pkaiser54@yahoo.com]

**Sent:** Thursday, March 05, 2009 09:27 PM

**To:** Josh Perry

---

I support Voter ID Legislation. PLEASE vote in favor of SB 362.

Pamela Kaiser  
31303 Bearing Star Lane  
Tomball, Texas 77375

TX\_00003429

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TX\_00003429

USA\_00019215



**SB 362**

Conner [gmconner@yahoo.com]

**Sent:** Thursday, March 05, 2009 09:15 PM

**To:** Josh Perry

---

Please fwd to Senators my support of SB 362. We need voter ID!  
GM Conner  
Temple, TX

TX\_00003430

<https://mail.myhostedsolution.com/owa/?ae=Item%2041934.Note&id=RgAAAABvUELl4w7...> 3/9/2009

TX\_00003430

USA\_00019216

## Voter ID

Jan McMullen [jaykayhansom\_1999@yahoo.com]

**Sent:** Thursday, March 05, 2009 08:34 PM

**To:** Josh Perry

---

To Whom It May Concern:

I do support the Voter ID at the Polling Places. That way you will find out if they are a citizen and it will verify who they really are. Please show my support.

Thank You,

Sincerely,

Jan K. McMullen

TX\_00003431

<https://mail.myhostedsolution.com/owa/?ae=Item%20Note&id=RgAAAABvUEL14w7...> 3/9/2009

TX\_00003431

USA\_00019217

## Voter ID in Texas

Jim Webb [jim@luckyfrogfarms.com]

**Sent:** Thursday, March 05, 2009 06:43 PM

**To:** Josh Perry

---

I am a precinct Chairman and am responsible for ensuring fair elections. As a normal citizen, I must present positive identification to cash a check and process many normal business transactions. There is no more important franchise that each of us has than to cast a meaningful ballot. To think that a ballot may be cast due to voter impersonation is unconscionable. There is a strong need to validate voters to protect the sanctity of the ballots cast by honest voters.

Please support the bill to require positive identification at the polling place.

Sincerely,  
James Webb  
1940 Worrell Rd  
Angleton, TX 77515  
jim@luckyfrogfarms.com

TX\_00003432

<https://mail.myhostedsolution.com/owa/?ac=Item4B9C.Note&id=RgAAAABvUEL14w7...> 3/9/2009

TX\_00003432

USA\_00019218

## **SB 362**

Forrest [gt500kr@satx.rr.com]

**Sent:** Thursday, March 05, 2009 05:52 PM

**To:** Josh Perry

---

**To Whom It May Concern,**

**I am in support of SB 362. We have to show ID for so many things less important than voting and i do not understand why an ID is not required of someone to register as well as vote.**

**Thank you for your time,**

**Forrest Byas  
1226 Phantom Valley  
San Antonio, Tx 78232  
210-496-2193**

TX\_00003433

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TX\_00003433

USA\_00019219

## Written Testimony - Texas SB 362

Dave [djordan9@hotmail.com]

**Sent:** Thursday, March 05, 2009 05:50 PM  
**To:** Josh Perry  
**Importance:** High

Sirs:

I strongly support the concept of requiring proper identification to vote in the State of Texas.

Any citizen should be proud to provide identification to prove his or her eligibility to exercise their constitutional right (as a citizen) to cast a ballot. Providing identification IS NOT an infringement of our rights; rather, it is a privilege to show that as a citizen we are proudly carrying out our civic duty and voting our mind.

Our representatives are chosen (elected) by our ballots and these should not be cast without due consideration. I feel that the process of requiring proper identification is the best way to ensure that our election process is handled fairly. I also feel that we should provide proper identification to register to vote!

Thank you for allowing me to present my thoughts on this very important matter.

vr,

David F.  
Jordan  
4013 Deer  
Trail  
Temple, Texas  
76504

254 773-2095  
djordan9@hotmail.com

TX\_00003434

<https://mail.myhostedsolution.com/owa/?ac=ItemNote&id=RgAAAABvUEL4w7...> 3/9/2009

TX\_00003434

USA\_00019220

## Support ID Voting

Matti Anglin [manglins@comcast.net]

**Sent:** Friday, March 06, 2009 11:06 AM

**To:** Josh Perry

---

I live in Galveston County. Here, we always have been asked to show proper photo ID to vote. It only makes common sense. I have witnessed people attempting to vote that have nothing to show they are who they claim to be, and they were just claiming. It was a daughter attempting to vote as her mother. We must support ID voting. Thank You, Martha Anglin

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TX\_00003435

USA\_00019221

## SB 362

David & Angela Cranek [texas87@earthlink.net]

**Sent:** Friday, March 06, 2009 11:02 AM

**To:** Josh Perry

---

I cannot urge you enough to support SB 362! After all the voter fraud our last national election was filled with why wouldn't anyone in their right mind support voter ID?  
This will benefit all voters from all parties! Playing politics to kill this legislation can only benefit those who would cheat in an election by attempting to use fraudulent voters!  
Please, please do not let this legislation fail!

"The democracy will cease to exist when you take away from those who are willing to work and give to those who would not."

Thomas Jefferson

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TX\_00003436

USA\_00019222



**SB 362**

mafox2@aol.com [mafox2@aol.com]

**Sent:** Friday, March 06, 2009 01:50 PM

**To:** Josh Perry

---

I am "in favor" of SB 362. We must have voter ID.  
Mary Arnold Fox

---

Worried about job security? Check out the 5 safest jobs in a recession.

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<https://mail.myhostedsolution.com/owa/?ac=Item804341.Note&id=RgAAAABvUEL14w7...> 3/9/2009

TX\_00003437

USA\_00019223

## HB 262

JOHN WATKINS III [johnwatkinsiii@sbcglobal.net]

**Sent:** Sunday, March 08, 2009 10:20 AM

**To:** Josh Perry

---

Please,

ID me as someone who wishes to speak. I am the North Texas Director of the Minutemen Civil Defense Corps (the nations largest neighborhood watch organization). I have personally sat watch on the Rio Grand/Rio Bravo and viewed "Zetas" preparing for smuggling movements.

John E Watkins  
MCDC Texas Chapter Director  
(Chief Petty Officer USN/USNR-1963-1974)

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JA\_004342

TX\_00003438

USA\_00019224

## Derek Ryan

---

**From:** Joaquin Garcia [joaquin.garcia@co.hidalgo.tx.us]  
**Sent:** Wednesday, March 04, 2009 10:32 AM  
**To:** Derek Ryan  
**Subject:** Hidalgo County Information Request  
**Attachments:** image001.png

Dear Mr. Ryan

Inn reference to the letter requesting information we charge 17.50. If you should need any other information please feel free to contact me at 956 – 318 – 2570 or email me back.



**Joaquin R. Garcia**  
Street Indexing Specialist  
Hidalgo County Elections Department  
(956) 318 – 2570 Ext. 2702

3/9/2009

TX\_00003439  
JA\_004343

TX\_00003439

USA\_00019225

## VOTER ID

BCJukes@aol.com [BCJukes@aol.com]

**Sent:** Friday, March 06, 2009 10:10 AM

**To:** Josh Perry

---

PLEASE ACCEPT MY RESPONSE TO VOTER ID. I AM VERY MUCH IN FAVOR OF HAVING A PERSON PROVE THEY ARE ELIGIBLE TO VOT.

AND...FOR MANY OTHER THINGS.

*Betty*

BETTY C. JUKES  
187 DOVE HOLLOW TRAIL  
GEORGETOWN, TEXAS 78633  
BCJUKES@AOL.COM  
512, 930-1107

---

Need a job? Find employment help in your area.

TX\_00003440

<https://mail.myhostedsolution.com/owa/?ac=Item&id=RgAAAABvUEL14w7...> 3/9/2009

TX\_00003440

USA\_00019226

welessmann1ins@netzero.net [welessmann1ins@netzero.net]

**Sent:** Friday, March 06, 2009 08:33 AM

**To:** Josh Perry

---

We need the ID bill to assure one vote per one person of all who are entitled to vote in all elections.

Thanks  
Wayne Lessmann  
Bellville TX 77418

---

Click now to find great remedies for hangovers!  
<http://thirdpartyoffers.netzero.net/TGL2231/fc/BLSrjnxWYul2fVnxrz6Q4QbgsEGjl7TE4RE6cx0nk0fHYrGlFuRFqluhk6s/>

TX\_00003441

<https://mail.myhostedsolution.com/owa/?ac=Home&id=PM.Note&id=RgAAAABvUEL14w7...> 3/9/2009

TX\_00003441

USA\_00019227

Monday, March 9, 2009 12:33 PM

**Subject: BOTER ID**

**Date:** Wednesday, March 4, 2009 7:59 PM

**From:** TOM STAUDER <t.stauder@worldnet.att.net>

**To:** Eric Opiela <eopiela@texasgop.org>

ERIC, VOTER ID SHOULD BE THE NATIONAL REQUIREMENT, ESPECIALLY IN TEXAS. ANY DEMOCRAT WHO WOULD DISAGREE MUST BE THINKING THEY WANT TO GAME THE PROCESS. A TDL OR A PICTURE TAKEN AT ANY DPS OFFICE COULD PROVIDE ID FOR EVERY LEGAL VOTER. WE DON'T NEED TO BE LIKE ILLINOIS WHERE CHEATING IS THE ORDER OF THE DAY. TOM STAUDER, DONLEY COUNTY, CLARENDON TEXAS.

Page 1 of 1

TX\_00003442  
JA\_004346

TX\_00003442

USA\_00019228

## VOTER ID

john jarvis [johnjarvis@att.net]

**Sent:** Friday, March 06, 2009 04:55 PM

**To:** Josh Perry

---

AS A FORMER ELECTION JUDGE IN GUADALUPE COUNTY  
FOR MANY=MANY YEARS I HAVE SEEN AND DELT WITH  
EVERY TRICK IN THE BOOK ~~~~ NOT ENOUGH SPACE TO  
LIST HERE BUT IF YOU NAME IT IVE SEEN IT WE NEED  
VOTER ID TO PROTECT THE LEGITIMATE VOTERS NOTHING  
ELSE WILL STOP THE FRAUDS !!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!  
JOHN JARVIS PRECINCT 302R CIBOLO TEXAS !!!!!!!!!!!!!!!

TX\_00003443

<https://mail.myhostedsolution.com/owa/?ac=Home&PM.Note&id=RgAAAABvUEL14w7...> 3/9/2009

TX\_00003443

USA\_00019229



**sb362**

gvecchio [gvecchio@1scom.net]

**Sent:** Friday, March 06, 2009 05:38 PM

**To:** Josh Perry

---

I support SB362

Thank you,  
Glenn Vecchio

TX\_00003444

<https://mail.myhostedsolution.com/owa/?ac=Item&id=RgAAAABvUEL4w7...> 3/9/2009

TX\_00003444

USA\_00019230

## identification

TOM POWELL [tomandjohnnie@sbcglobal.net]

**Sent:** Saturday, March 07, 2009 08:29 AM

**To:** Josh Perry

---

I was an election judge for the Nov. election. I believe sb 362 to require personal id to vote is essential for honest elections. Licenses were very helpful in many cases. Many people asked why we were not requiring id before we could vote. Please make our elections as honest as possible by passing this bill. Thank You, Mrs. Tom Powell (Johnnie)

Blessed&Cherished  
by God's grace.  
Johnnie Powell

TX\_00003445

JA\_004349

<https://mail.mvhostedsolution.com/owa/?ae=Item&t=IPM.Note&id=RgAAAABvUEL14w7...> 3/9/2009

TX\_00003445

USA\_00019231

## proof of Id before you vote

Dana Johnson [danarechelle@hotmail.com]

**Sent:** Saturday, March 07, 2009 08:34 AM

**To:** Josh Perry

---

In Texas you must carry proof of Identity so what is so wrong with proving who you are to vote. To allow people to vote without ID should be illegal. That is how we got Obama, through voter fraud. When I went to vote I had my TDL on hand and would have been happy to prove who I was.

Thank You,

Texas registtered voter and carrier of my validTexas Drivers License

---

Windows Live™ Groups: Create an online spot for your favorite groups to meet. Check it out.

TX\_00003446

JA\_004350

<https://mail.mvhostedsolution.com/owa/?ac=Item&t=IPM.Note&id=RgAAAABvUEL14w7...> 3/9/2009

TX\_00003446

USA\_00019232

Dorothy Leavitt [d.leavitt@sbcglobal.net]

**Sent:** Saturday, March 07, 2009 03:05 PM

**To:** Josh Perry

---

I support SB 362. I sincerely believe that it would help stem voter fraud and make for much cleaner elections.

Dorothy Leavitt  
Registered voter in Brewster County and a resident of Alpine.

TX\_00003447

JA\_004351

<https://mail.mvhostedsolution.com/owa/?ac=Item&t=IPM.Note&id=RgAAAABvUEL14w7...> 3/9/2009

TX\_00003447

USA\_00019233